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Office Supreme Court U. S.
FILED
OCT 15 1906
JAMES H. MCKENNEY,
Clerk.

No. 5 Orig.
O. T. 1907

~~No. [illegible] Original~~

In the Supreme Court of the United States.

~~OCTOBER TERM, 1906.~~

THE UNITED STATES OF AMERICA,
Complainant,

vs.

JOHN F. SHIPP,
PAUL WERNER, who is named in the Information as "Sheenie Werner"
ET ALS,
Defendants.

No. 5 Orig
O. T. 1907

ANSWER OF PAUL WERNER TO THE RULE TO SHOW CAUSE.

CUMMINGS & CHAMLEE,
Attorneys for Defendant.

In the Supreme Court of the United States.

THE UNITED STATES OF AMERICA,
Complainants,
vs.
JOHN F. SHIPP,
PAUL WERNER, who is named in the Information as "Sheenie" Werner, ET AL.,
Defendants.

ANSWER OF PAUL WERNER TO THE RULE TO SHOW CAUSE.

And now comes the defendant, Paul Werner, who is referred to in the information as "Sheenie" Werner, and for answer to the rule herein to show cause why he should not be attached and punished for contempt of this honorable court, says:

1st. That he is advised that the Supreme Court of the United States of America had no jurisdiction of the cause of Ed Johnson, complainant, vs. The State of Tennessee, and that all proceedings had by the United States Supreme Court in the matter of Ed Johnson, complainant, vs. The State of Tennessee, were null and void and illegal.

2d. That he is advised that the original petition for a writ of habeas corpus that was sued out by the said Ed Johnson, complainant, vs. The State of Tennessee, was addressed to the United States District or Circuit Court at Chattanooga, Ten-

nessee, and that the original petition was presented to and tried before the Honorable C. D. Clark, one of the judges of the United States Court, not at Chattanooga, Tennessee, but at Knoxville, Tennessee, at Chambers, and he is advised that from the dismissal of said petition by the Hon. C. D. Clark, Judge, etc., for the writ of habeas corpus tried at Chambers, that there is no appeal and that the appeal that the said Ed Johnson undertook to perfect was in law ineffective and that this Honorable Court did not acquire jurisdiction of the case because a transcript was presented and authorized to be filed in this Honorable Court.

3d. Not waiving any of his rights contained in the pleas for a want of jurisdiction by this Honorable Court in this case, but pleading and relying upon the same as a full and complete defense of this case, this defendant, Paul Werner, comes and for answer to the rule in this cause, and answering so much and such parts of said information as he is informed is material for him to answer, and for answer thereto says:

That he denies that he aided or assisted in the lynching of the said Ed Johnson, or that he had anything to do with encouraging, promoting or comforting the lynchers while they were preparing or executing their plans or lynching Ed Johnson. He says that he did not know, nor hear of any effort being made to lynch the said Ed Johnson until the next morning after the lynching had occurred. That at the hour that Johnson was lynched that he was at his home, 613 East Fifth Street, in the City of Chattanooga, Tennessee, and that he was not at the county jail; that he did not see Ed Johnson on that night; did not witness the lynching at the county bridge; had nothing in the world to do with it; and knew absolutely nothing about it.

4th. He further says that he denies each and every allegation contained in the information that accuses or charges him with any complicity whatever with the said Ed Johnson or with conspiring or confederating with the sheriff of said County of

Hamilton, or conspiring, confederating or agreeing with any other person to aid or assist in the breaking or entering of the county jail of Hamilton County, Tennessee, for the purpose of taking therefrom the body of the said Ed Johnson to lynch and murder him for any purpose whatsoever. He denies that he was a party to any compact, confederation or agreement to do any act that would be a contempt of this Honorable Court or to show any contempt for this Honorable Court or to prevent this Honorable Court from hearing and determining the appeal of the said Ed Johnson. He further says that he is not guilty of the charge made against him in the information; that he denies absolute and in toto all knowledge or connection of any conspiracy to lynch Ed Johnson and that he has not committed himself, nor directed nor encouraged any other person to commit any act that would be a contempt of this Honorable Court, or to show his disrespect or disregard for the orders of this Honorable Court or to prevent this Honorable Court from hearing and determining the appeal of the said Ed Johnson.

He further says that the accusation made against him in this cause does him a great and serious wrong and that it is not true, and that if an opportunity is afforded him to do so, he will undertake to prove by witnesses who know the facts that he was at his home on the night and at the very hour that Johnson was lynched and that he could not have been a party to that transaction.

WHEREFORE, this respondent says that he denies each and every allegation made against him in this cause.

And now, having fully answered, he prays to be dismissed from the requirements of said rule to show cause why he should not be punished for a contempt of this Honorable Court.

W. H. CUMMINGS,
G. W. CHAMBLEE,
Attorneys for Defendant.

STATE OF TENNESSEE,
COUNTY OF HAMILTON.

Paul Werner, who is named in the information as "Sheenie" Werner, says that he is the respondent in the above styled cause and that the facts set out in the foregoing answer are true as he verily believes.

PAUL WERNER.

Sworn to and subscribed before me
and in my presence, this 9th day
of October, 1906.

R. M. WATKINS,
Deputy Clerk U. S. Circuit Court.

OCT 15 1906
JAMES H. McKENNEY,
Clerk.

FILE COPY.

~~No. 12 Original.~~

In the Supreme Court of the United States

~~October Term, 1906.~~

THE UNITED STATES OF AMERICA, complainants.
vs.
JOHN F. SHIPP AND OTHERS, defendants.

No. 5 Orig.
O. T. 1907

ANSWER OF JOHN VARNELL,
ONE OF THE DEFENDANTS.

LEWIS SHEPHERD,
FLEMING & SHEPHERD,
Attorneys.

THE UNITED STATES OF AMERICA,
Complainants,
vs.
JOHN F. SHIPP AND OTHERS,
Defendants.

The answer of John Varnell to the Information of Mr. Attorney General William H. Moody, filed in the above styled cause, and to the rule to show cause why he should not be punished as and for a contempt of this Honorable Court, issued May 28th, 1906.

By way of answer to the Information filed by the Attorney General and the rule granted by the Honorable Court, this defendant shows and avers as follows:

He denies that he had any connection with or had anything to do with the mob which attacked the jail of Hamilton County, Tennessee, on the evening and night of the 19th day of March, 1906, when Ed. Johnson was taken from jail and lynched. This defendant had no knowledge or information whatever by rumor or otherwise that a mob was to be formed or was forming to lynch and murder said Ed. Johnson.

He did not at any time combine, conspire, confederate, or agree with the persons named in said Information or any or either of them, or with any other person or persons to break and enter the jail of Hamilton County for the purpose of

taking therefrom the person of Ed. Johnson to lynch and murder him. He did not participate with the mob that broke the jail or with the mob which lynched and murdered said Ed. Johnson. He did not know before hand that a mob was to be formed to lynch said Ed. Johnson, and he did not in any way aid, abet, counsel or advise the lynching of said Ed. Johnson, and did not know anything about the formation of the mob or its work until after the affair was over, and did not approve the action of the mob in lynching and murdering the said Ed. Johnson.

Defendant was informed after Johnson was hanged, that the mob attacked the jail at or about the hour of nine o'clock P. M., March 19, 1906.

Defendant is a police officer of the City of Chattanooga, in Hamilton County, Tenn. On the 19th day of March, 1906, the date said Johnson was hanged, defendant was on duty as a policeman from 5 o'clock A. M. until 3 o'clock P. M. After being relieved of duty defendant went immediately to his home in said City of Chattanooga, and remained there until the next morning at work time. Defendant's daughter was critically ill on said date, and had been for some weeks previous to that time, and defendant was forced to stay with her at night. On said date defendant was at the bed side of his sick child ministering to her needs, from the time he went home until near midnight. Upon going on duty the following morning defendant heard for the first time that Ed. Johnson had been hanged the night before.

This defendant denies that he ever at any time did any

act to show contempt and disregard for the order of this Honorable Court or to prevent this Court from hearing the appeal of the said Ed. Johnson. He has always entertained the very highest respect for this Honorable Court.

And now having fully answered the Information and rule so far as they effect him, he prays to be hence discharged and as in duty bound he will ever pray.

JOHN VARNELL.

LEWIS SHEPHERD,
FLEMING & SHEPHERD,
Attorneys for Defendant.

STATE OF TENNESSEE,
HAMILTON COUNTY.

Personally appeared John Varnell and made oath that the facts stated in the foregoing answer are true to the best of his knowledge, information and belief.

JOHN VARNELL.

Subscribed and sworn to before me
this 8th day of October, 1906.

WILLIAM C. SHEPHERD,
Notary Public.

[SEAL]

FILE COPY.

Office Supreme Court U. S.
FILED
OCT 15 1906
JAMES H. McKENNEY,
Clerk.

[redacted]

In the Supreme Court of the United States.

[redacted]

THE UNITED STATES OF AMERICA, complainants,
vs.
JOHN F. SHIPP AND OTHERS, defendants.

No. 5 Orig.
O. T. 1907

ANSWER OF CHARLES J POWELL, ONE OF THE DEFENDANTS.

LEWIS SHEPHERD,
FLEMING & SHEPHERD,
Attorneys.

THE UNITED STATES OF AMERICA,
Complainants,
vs.
JOHN F. SHIPP AND OTHERS,
Defendants.

Answer of Charles J. Powell to the information of Mr. Attorney General William H. Moody, filed in the above styled cause, and to the rule to show cause why he should not be punished as and for a contempt of this Honorable Court, issued May 28th, 1906.

By way of answer to the Information filed by the Attorney General and the rule granted by the Honorable Court, this defendant shows and avers as follows:

He denies that he had any connection with or had anything to do with the mob which attacked the jail of Hamilton County, Tennessee, on the evening and night of the 19th day of March, 1906, when Ed. Johnson was taken from jail and lynched. This defendant had no knowledge or information whatever by rumor or otherwise that a mob was to be formed or was forming to lynch and murder said Ed. Johnson.

He did not at any time combine, conspire, confederate, or agree with the persons named in said Information or any or either of them, or with any other person or persons to break and enter the jail of Hamilton County for the purpose of

taking therefrom the person of Ed. Johnson to lynch and murder him. He did not participate with the mob that broke the jail or with the mob which lynched and murdered said Ed. Johnson. He did not know before hand that a mob was to be formed to lynch said Ed. Johnson, and he did not in any way aid, abet, counsel or advise the lynching of said Ed. Johnson, and did not know anything about the formation of the mob or its work until after the affair was over, and did not approve the action of the mob in lynching and murdering the said Ed. Johnson.

Defendant was informed after Johnson was hanged, that the mob attacked the jail at or about the hour of nine o'clock P. M., March 19, 1906.

On said date the defendant was employed at the Chattanooga packing house, engaged in killing cattle for the Chattanooga market. He went to work early in the morning of said date, and worked until about 11 o'clock P. M. Said packing house is situated in St. Elmo, Tenn., a distance of more than three miles from the Hamilton County jail. Defendant has no regular hours of work, but is required to kill all cattle delivered on each day. There was a large number of cattle to be killed on said date, and he did not finish his work until 11 o'clock P. M., as aforesaid.

After leaving his work, defendant went to his home and heard nothing of the lynching until the following morning.

This defendant denies that he ever at any time did any act to show contempt and disregard for the order of this Honorable Court or to prevent this Court from hearing the appeal

of the said Ed. Johnson. He has always entertained the very highest respect for this Honorable Court.

And now having fully answered the Information and rule so far as they effect him, he prays to be hence discharged and as in duty bound he will ever pray.

CHARLES J. POWELL.

LEWIS SHEPHERD,
FLEMING & SHEPHERD,
Attorneys for Defendant.

STATE OF TENNESSEE,
HAMILTON COUNTY.

Personally appeared Charles J. Powell and made oath that the facts stated in the foregoing answer are true to the best of his knowledge, information and belief.

CHARLES J. POWELL.

Subscribed and sworn to before me
this 8th day of October, 1906.

WILLIAM C. SHEPHERD,
Notary Public.

[SEAL]

FILE COPY.

Office Supreme Court U. S.
FILED
OCT 15 1906
JAMES H. McKENNEY,
Clerk.

~~No. 12 Original.~~

In the Supreme Court of the United States.

~~October Term, 1906.~~

THE UNITED STATES OF AMERICA,
Complainant,
vs.
JOHN F. SHIPP,
LUTHER WILLIAMS ET ALS,
Defendants.

No. 5 Ori
O. T. 190

ANSWER OF LUTHER WILLIAMS TO THE RULE TO SHOW CAUSE.

CUMMINGS & CHAMLEE,
Attorneys for Defendant.

In the Supreme Court of the United States.

THE UNITED STATES OF AMERICA,
Complainants,
vs.
JOHN F. SHIPP,
LUTHER WILLIAMS ET ALS,
Defendants.

October Term, 1906.
No. 26.

ANSWER OF LUTHER WILLIAMS TO THE RULE TO SHOW CAUSE.

And now comes the defendant, Luther Williams, and for answer to the rule herein to show cause why he should not be attached and punished for contempt of this Honorable Court, says:

1st. That he is advised that the Supreme Court of the United States of America had no jurisdiction of the cause of Ed Johnson, complainant, vs. The State of Tennessee, and that all proceedings had by the United States Supreme Court in the matter of Ed Johnson, complainant, vs. The State of Tennessee, were null and void and illegal.

2d. That the original petition for a writ of habeas corpus that was sued out by the said Ed Johnson, complainant, against the State of Tennessee, was as this respondent is advised, addressed to the United States District Court at Chattanooga,

Tennessee, and that the original proceedings were presented and tried before the Hon. C. D. Clark, Judge of the United States Court, not at Chattanooga, Tennessee, but at Knoxville, Tennessee, at Chambers, and he is advised that from the dismissal of said petition for the writ of habeas corpus held at Chambers, that there is no appeal and that the appeal that the said Ed Johnson undertook to perfect was, in law, ineffective and that this Honorable Court did not acquire jurisdiction of the case because a transcript was presented and filed in this Honorable Court.

3d. He is advised that Ed Johnson was not a United States prisoner, but that he was a State prisoner, and under the charge of State officials and that in order to make him a United States prisoner, a different proceeding than that which was had in this cause would be required to make said proceedings valid under the law.

4th. That if Ed Johnson, was as a matter of law, a United States prisoner at the time that he was lynched, that no notice of that fact had ever been conveyed to this respondent by any person whomsoever.

5th. That under the law of the United States and the facts of this case, he is advised that this Honorable Court had no jurisdiction to proceed with said cause of Ed Johnson, appellant vs. The State of Tennessee, under the facts as alleged in Johnson's petition, and that the case would, upon motion or demurrer, had to have been dismissed or stricken from the docket according to the rule laid down in the case of Caleb Powers vs. The Commonwealth of Kentucky.

6th. Not waiving any of his rights as stated in the foregoing pleas for want of jurisdiction by this Honorable Court

in this case, but pleading and relying upon the same as a full and complete defense to this case, this defendant, Luther Williams, now comes and for further answer to the rule in this cause, and answering so much and such parts of said information as he is informed is material and proper for him to answer, says:

That he was not an officer and that he did not have Ed Johnson in his charge, care or custody at any time or place whatsoever.

He says that he is a business man and runs a saloon at No. 630 Market Street, in the City of Chattanooga, Tennessee, and that his place of business is on the east side of Market Street between Sixth Street and Seventh Street; and that the county jail of Hamilton County, Tennessee, is on the west side of Walnut Street between Sixth and Seventh Streets and that between the county jail and his place of business, there is one cross street.

He further says that the first notice that he had of a mob intending to assemble at the jail or were assembling at the jail in Chattanooga on the night of March 19, 1906, was that about 9:30 to 10 o'clock P. M., someone came in his saloon and called attention of those present there, that a mob had assembled at the county jail for the purpose of lynching a negro. Inquiry being made, it developed that it was Ed Johnson.

Under a law of the City of Chattanooga, all saloons were required to close at ten o'clock P. M. every night except Saturday night, and then at eleven o'clock on Saturday night. March 19, 1906, was on Monday night as affiant now remembers and it was nearly closing time when he received his first information about a mob at the county jail. He knew that if trouble was about to occur in that neighborhood that all saloons ought to close in order to prevent members of the mob becom-

ing intoxicated and committing violence, and for this reason, he immediately closed his saloon and in a few minutes went up to the county jail which was a distance of about 200 yards, and when he got there, a mob was in control of the jail. A large crowd of men had their faces covered and were disguised so that no one could tell who they were and were proceeding to break down the doors of the jail and in a very short time after his arrival, Johnson was taken out and carried to the county bridge and lynched.

This respondent saw the lynching; was on the bridge where he could witness the entire trouble as a spectator with hundreds of other people who were on the bridge at the time.

He is well known to a number of people who were at his saloon on the night that Johnson was lynched and who were about the county jail as spectators at the time, and he was not disguised; made no effort to conceal his own identity; he had no part whatever in aiding or counseling the mob to lynch Ed Johnson and had nothing in the world to do with the entire trouble. Just like people go to see a great fire or anything else of excitement that is about to happen, he went up to the jail to see what the mob was doing and what was going to happen to Johnson.

He denies that he was a member of said mob or that he had anything to do either by word or action, aiding or abetting in the alleged lynching, or that he counseled or conspired or confederated with any person or persons whomsoever to lynch the said Ed Johnson.

He denies that he endeavored or conspired or confederated or agreed together or formed a combination with any person to break or enter the county jail or to lynch the said Ed Johnson or to do any other act to prevent this Honorable Court from hearing and determining the appeal of the said Ed Johnson, or

to show any contempt for this Honorable Court, and he denies each and every allegation made in the information against him in this cause, that by implication could be construed to mean that he had aided or consented to the lynching of the said Ed Johnson, or committed any other act or conspired, confederated or agreed to commit any other act, or agreed for any other person to commit any act towards the lynching of the said Ed Johnson, or to break or enter the county jail of Hamilton County, Tennesssee, or to prevent this Honorable Court from hearing the appeal of the said Ed Johnson, or to show his contempt for the orders of this Honorable Court, or to do any other act that would be disrespectful of this Honorable Court.

He says that he is not a lawyer, does not know what it takes to vest this Honorable Court with jurisdiction of this case, but makes the pleas as to the jurisdiction upon the advice of his lawyers in this cause; but independent of his pleadings that he can prove that he had no part in the lynching of Ed Johnson, and that on the merits of his case, he stands ready to show to this Honorable Court that he is entirely innocent of the charge made against him, and that if an opportunity is afforded him, he will be pleased to present his evidence to sustain his contention as made in his answer.

He says that after Ed Johnson was lynched, that the great crowd that had congregated at the bridge began to disperse and that he went to his home where he spent the remainder of the night. That this was between ten and eleven o'clock, as he believes.

WHEREFORE, this respondent says that he denies each and every allegation made against him in this cause.

And now having fully answered, he prays to be dismissed from the requirements of said rule to show cause why he should not be punished for a contempt of this Honorable Court.

W. H. CUMMINGS,
G. W. CHAMLEE,
Attorneys for Defendant.

STATE OF TENNESSEE,
COUNTY OF HAMILTON.

Luther Williams, being duly sworn, says that the facts set out in the foregoing answer are true as he verily believes.

LUTHER WILLIAMS.

Sworn to and subscribed before me and in my presence, this 9th day of October, 1906.

R. M. WATKINS,
Deputy Clerk U. S. Court.

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JAMES H. McKEN

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In the Supreme Court of the United States

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No. 5 O
O. T. 190
No. 12

THE UNITED STATES OF AMERICA,
Complainant

vs.

JOHN F. SHIPP AND HIS DEPUTIES AS SHERIFF, AND OTHERS,
Defendants

ANSWER OF JAMES WILLIAM BEELER TO THE RULE TO SHOW

HEAD & FORD,
Attorneys for Defendants.

In The Supreme Court of the United States

OCTOBER TERM, 1906.

The United States of America,

vs.

John F. Shipp and his Deputies as Sheriff, and Others.

No. 26

ORIGINAL

Reply of James William Beeler to the information filed in this cause by the Honorable William H. Moody, Attorney General of the United States, against the Sheriff of Hamilton County and his Deputies as such Sheriff and Others, including among the others, this Respondent.

And now comes this defendant in proper person, who is called in the petition William Beeler, and for reply to the petition says his true and lawful name is James William Beeler, and he is a citizen of Hamilton County, Tennessee, and was such at the time that one Ed Johnson, a colored man, was put to death in Chattanooga, Tennessee. Now he lives in the City of Chattanooga, and is engaged in the retail liquor business at No. 201 Market Street in said City, and was engaged in the same business at the same place when said Johnson was put to death, though at that time he lived with his family, consisting of wife and two children, in Avondale, two miles from his place of business.

Upon information and belief, he admits that the said Ed Johnson was tried and convicted of the crime of rape in the Criminal Court of Hamilton County, held in Chattanooga, on or about the 11th day of February, 1906, and was adjudged to suffer the penalty of death therefor. While he may have heard thereafter of some proceeding taken, or to be taken, in his behalf, respondent is not able to say what the proceedings were, as taken or contemplated, and he feels sure that he never knew anything as to the result of the

same, and that he did not know the nature thereof or grounds therefor. As to the trial before the United States Court for the Eastern Division of Tennessee upon this petition, return, answer and replication and the testimony of witnesses examined in open Court, together with the argument of counsel, he knows nothing; at least now he remembers nothing whatever more than this:—he had heard in some way that proceedings had been taken or were to be taken in his behalf to have his case carried to the Supreme Court of the State or some higher Court, but which he did not know. Respondent does not keep posted as to the proceedings in the Courts; he, however, remembers reading or hearing nothing whatever about the petition presented to the Hon. John M. Harlan, an associate justice of this Court, or any action had thereon. This Respondent feels sure that he did not known at the time Ed Johnson was put to death, that this Court had made any order touching his case or of the notification given of such order by the Clerk of this Court to the Sheriff of Hamilton County or other person. If any publication of the order was made in the evening papers of the City on March 19, 1906, he has now no recollection of reading or hearing of the same. He did not then know that Ed Johnson was in confinement in the jail of Hamilton County, for he had been confined in jail outside of Hamilton County, and Respondent did not then know where he was confined.

As to the statements contained in the petition relating to the Sheriff and his deputies, Respondent knows nothing, and he is advised that it is not material that he make further answer.

Respondent will here state that he was not one of the mob who took said Ed Johnson from the jail and put him to death, and had no knowledge that such action was to be taken. Hence he denies that on the evening or night of March 19, 1906, in Chattanooga, he in any way "willfully, wrongfully, did combine, conspire, confederate and agree together to break and enter the said county jail of Hamilton County for the purpose of taking therefrom the person of the said Ed Johnson to lynch and murder him (the said Ed Johnson) with intent then and there had and entertained by the said defendants, and each of them, to show their contempt and disregard for the order of this Honorable Court, made, entered, issued and published as aforesaid, and for the purpose of preventing this Honorable Court from hearing the appeal of the said Ed Johnson allowed by this Court as aforesaid, and for the purpose

of preventing the said Ed Johnson from exercising and enjoying a right secured to him by the Constitution and laws of the United States." This Respondent had no connection with said lynchers or mob, and took no part in anything that was done toward the death of said Ed Johnson. When said mob assembled at and entered the county jail, as he is informed, Repondent was at his place of business aforesaid, attending to his business, and someone, whose name is not now remembered, came into his saloon and said there was a mob at the jail, when one of them tried to get connection with the jail to ascertain the truth of the statement made, but failed to get the connection. And then the policeman called up "Turners' Hall," from which place he learned that the mob had assembled at the jail, and that they had broken open the outside door and were already in the jail. It was then something after 9 o'clock at night, and Respondent remained in his place of business until after the hour for him to close his place of business for the night, which was 10 o'clock, fixed by an ordinance of the City Council for the closing of all saloons. Remaining there for a while after that hour straightening out things in the saloon, he left, walking up Market Street, intending to return to his home; and reaching Sixth Street, he heard a noise as of knocking or hammering up in the direction of the jail, when he turned into that street leading in the direction of the jail located on Walnut Street, between Sixth and Seventh Streets, and when he reached Walnut Street he turned toward the jail and walked a short distance, when he met Baxter Pope, who told him that the mob was in the jail, and in a few moments he and Pope crossed to the east side of Walnut Street, opposite side from the jail, when they saw the mob coming out of the jail with a colored man without hat or coat, and they passed with him on the opposite side of the street from Pope and himself, going in the direction of the river bridge. Then said Pope and Respondent went back into Sixth Street and walked toward Cherry Street, running parallel with Market and east of, and next to, Market Street, where they met Policeman Ed Boydston, and told him that the mob had a negro and had gone toward the bridge with him. The policeman said he ought to go there, and asked them to accompany him, which they did, accompanying him as far as First Street, which was near the bridge, and there they stopped, Boydston continuing on to and on the bridge where the mob was, and soon some shots were fired from that crowd, and immediately Pope and Respondent turned

away, separated, and Respondent went down First Street to Market Street on to the transfer station of the Electric Railway Company and took the next car for his home, which he reached and where he remained the rest of the night.

This is the whole truth so far as known to this Respondent and his whereabouts that night. And he did not know of the men forming or intending to assemble and doing what they did. He knew nothing whatever of what they purposed or were doing, except as herein stated; and he was not in conspiracy with anyone to lynch Ed Johnson or do him any harm, and in going on Walnut Street, as stated, he had no thought of encouraging, aiding, abetting in any way whatever the mob in accomplishing what they did He did not speak to any one of the mob nor did he know any of them, nor did he see their faces.

Respondent here files the affidavits of John T. Edwards, George Forbes, Edgar Boydston and Baxter Pope, good and reliable citizens of Hamilton County, Tennessee, as to his whereabouts on the night of March 19, 1906, from the hour of the early evening until after that when Ed Johnson was put to death by the mob; and these affidavits Respondent prays to have made a part of his response to this proceeding. They are filed as Exhibits A, B, C and E.

And now having fully answered the petition filed by the Attorney General of the United States in so far as the same implicates him as one of the mob on the night of March 19, 1906, he prays to be hence dismissed without cost.

JAMES WILLIAM BEELER.

HEAD & FORD, Attorneys for Respondent.

AFFIDAVIT.

State of Tennessee,

Hamilton County.

Personally appeared before me, John W. Head, a notary public, in and for the county and state aforesaid, James William Beeler, with whom I am personally acquainted, and who made oath in due form of law that the facts and statements as contained in the foregoing answer are true, and those stated upon information derived from others he, believes to be true.

JAMES WILLIAM BEELER.

Sworn to and subscribed before me this October 11, 1906.

JOHN W. HEAD, Notary Public.

IN THE SUPREME COURT OF THE UNITED STATES,
OCTOBER TERM, 1906.

The United States of America
vs.
John F. Shipp and His Deputies as Sheriff, and Others. } No. 26.

Original.

In this cause comes John T. Edwards, and makes oath that he is a colored man, living in Chattanooga, Tennessee, and occupies the business house next to the saloon of the defendant, James William Beeler, and did so at the time that Ed Johnson was taken by the mob from the county jail of Hamilton County, Tennessee, and lynched. It was on the night of the 19th day of March, 1906, and on that night Affiant was at his place of business from about 5 o'clock in the evening until after 10 o'clock that night, and he knows the defendant Beeler well, and has known him for about four years. Their places of business have been adjoining for the past two years. He knows that Beeler was in his saloon that night from about dark until a few minutes after 10 o'clock thereafter, for the reason that Affiant was in his saloon several times between those hours, and each of them stood in their respective doors talking when neither had any customers to be waited on, and were talking together as they were accustomed to do. The defendant had on his white apron as a bartender, and was on duty that night from dark until after 10 o'clock, and was not absent therefrom between those hours. When Affiant got the news that a mob was at the jail and attempting to force an entrance therein, he went in defendant's saloon to tell him about it, and he was then therein, and the matter was talked of by and between Beeler, Affiant and the others in the saloon. There is a city ordinance requiring saloons to be closed at 10 o'clock at night, and at that hour Beeler closed his saloon and remained on the inside some twenty minutes, then came out on the street while Affiant was standing in the door of his restaurant, and he saw Beeler walk up Market Street toward the transfer station, as he was accustomed to do at night after closing and going to his home.

JOHN T. EDWARDS.

Sworn to and subscribed before me this October 4th, 1906.

JOHN W. HEAD, Notary Public.

IN THE SUPREME COURT OF THE UNITED STATES,
OCTOBER TERM, 1906.

The United States of America
vs.
John F. Shipp and Deputies as Sheriff, and Others. } No. 26.

Original.

In this case the Affiant, George Forbes, makes oath that he is a citizen of Chattanooga, Hamilton County, Tennessee, and has been such resident for twenty-seven years, and is a cooper by trade, working at that business for the Chattanooga Brewing Company. Affiant is well acquainted with the defendant, James William Beeler, and on the night of March 19, 1906, when Ed Johnson was taken from the county jail and lynched by the mob, he was at the saloon of defendant Beeler, having gone there about 7 o'clock that night and remained there until he closed the saloon that night at or about 10 o'clock. He was in the saloon with Beeler from the time he went there until the saloon was closed, and was talking with Beeler much of the time, and he knows that during the time referred to, Beeler was not with the mob and did not leave the saloon, but was there on duty and waiting on his customers. Affiant and Beeler talked awhile in front of the saloon door after closing, when Beeler walked on up Market Street in company with Affiant, and they separated, Affiant going home and Beeler toward the transfer station. While Beeler and myself and others were in the saloon, some one came therein and told us of the mob being at the jail.

GEORGE FORBES.

Sworn to and subscribed before me this October 4th, 1906.

JOHN W. HEAD, Notary Public.

IN THE SUPREME COURT OF THE UNITED STATES,
OCTOBER TERM, 1906.

The United States of America
vs.
John F. Shipp and Deputies as Sheriff, and Others. } No. 26.

Original.

In this cause comes Edgar Boydston, and makes oath that he is

twenty-eight years og age, and lives now and has resided in Chattanooga, Hamilton County, Tennessee, all his life, and he is acquainted with the defendant, James William Beeler, and on the night of March 19, 1906, when Ed Johnson was taken from the Hamilton County jail and lynched, he was in Chattanooga; and between 8 and 9 o'clock he went in the saloon of said defendant Beeler, and found him in there on duty and behind the counter, and while he was in there, some one came in and announced that there was a mob at the jail, and immediately Affiant went to the 'phone in the saloon and tried, but failed, to get connection with the jail. Then he succeeded in getting 'phone connection elsewhere, and learned of the mob being there. Affiant remained there but a short time, and during all this time Beeler was at the saloon, and did not leave. Affiant left, and on getting away from there, he heard the noise of hollowing along Walnut Street, evidently after the mob had left the jail with Ed Johnson, and later he met Beeler and Baxter Pope at the corner of Sixth and Cherry Streets, and they informed Affiant that the mob had a negro man and had gone toward the bridge with him. Affiant asked them to go with him, and they all started for the bridge, and on reaching First Street they stopped and would go no farther, when Affiant went on to and on the bridge near the end, when the firing of gun shots commenced and the negro had been put to death. Beeler and Pope did not go nearer the mob than as stated. And Affiant did not see anything more of them that night. After seeing Pope and Beeler at the place mentioned, he stopped at the first 'phone accessible to him and communicated with police headquarters, and gave there information of the mob being there with the negro.

EDGAR BOYDSTON.

Sworn to and subscribed before me this October 5th, 1906.

J. ALLEN HEAD, Notary Public.

IN THE SUPREME COURT OF THE UNITED STATES,
OCTOBER TERM, 1906.

The United States of America
vs.
John F. Shipp and Deputies as Sheriff, and Others. } No. 26.

Original.

In this cause comes Baxter Pope, and makes oath that he is

thirty-one years of age and lives in Chattanooga, Hamilton County, Tennessee, and has resided there for about ten years. He is well acquainted with the defendant, James William Beeler; and on the night of March 19, 1906, when Ed Johnson was taken from the Hamilton County jail and lynched, he was in Chattanooga; and at or about the time specified the mob went to the jail, he was in a business house on Market Street, and some one came into that house, announcing the fact that a mob was at the jail, when Affiant left that place and went to Walnut Street near the jail to find out what he could see and hear; and after he had stood on the sidewalk for a while on Walnut Street, north of the entrance to the jail, the defendant Beeler came up to where he was standing, and they stood there a little while talking; and while standing on the east side of Walnut Street, between the jail entrance and Sixth Street, the mob came out of the jail building through the front yard and out at the front gate down on the sidewalk of the street, going towards the river bridge; and Affiant could see that they had a colored man in charge, but he did not know who it was, and neither could Affiant identify any of the members of the mob, and they went on out Walnut Street toward the bridge. After they had passed, defendant Beeler and Affiant went down Sixth Street towards Market Street, and at the corner of Cherry and Sixth they met Policeman Ed Boydston, and told him that a mob had a negro and the direction in which they had gone with him. Said Boydston requested Affiant and defendant Beeler to go with him, and they all started for the bridge. On reaching First Street, Affiant and Beeler stopped and went no farther in the direction of the mob, when an immense crowd could be seen on the bridge, and Affiant heard the firing of gun shots from that crowd. Affiant did not go nearer the mob than as stated. As soon as the shooting was heard, Affiant and defendant Beeler left the corner of First and Walnut Streets, and Affiant left Walnut Street at Fourth Street, and he thinks Beeler turned into First Street, which would be his route to his business place on Market Street. From the time affiant met Beeler on Walnut Street until they separated that night at the point stated, Affiant knows that Beeler was not a member of and had nothing to do with the action of the mob that night. Affiant runs a meat market in Chattanooga, Tennessee.

BAXTER POPE.

Sworn to and subscribed before me this, 11th day of October, 1906.

JOHN W. HEAD, Notary Public.

FILE COPY.

Office Supreme Court U. S.
FILED
OCT 15 1906
JAMES H. McKENNEY,
Clerk.

~~No. 10 Original.~~

In the Supreme Court of the United States.

~~October Term, 1906.~~

THE UNITED STATES OF AMERICA
vs.
JOHN F. SHIPP ET AL.

No. 5 Ori
O. T. 1907

JOHN A. HOOD,
Attorney for Defendant.

In the Supreme Court of the United States.

October Term, 1906.

The United States of America,
vs.
John F. Shipp et al.
} No. 26. Original.

Now comes Frank Ward, one of the defendants in the above styled cause, and for answer to the Information and scire facias served on him in said case, says:

I.

That he admits the charges, conviction, and sentence of Ed. Johnson as set out and detailed in the first paragraph of the Information of Attorney-General William H. Moody, filed against defendant and others in this case.

II.

That the second, third, and fourth paragraphs of said Information defendant neither admits nor denies, as he has no personal knowledge of the facts therein detailed and set out, and knew nothing of this Honorable Court having granted any order in reference to said case against said Ed Johnson, or having taken any jurisdiction in said case whatever until the morning of the 20th day of March, 1906, when he read an account of the lynching of said Johnson in the Chattanooga Morning Times, which was the first information this defendant had, either of the lynching of said Johnson or of this Honorable Court having assumed jurisdiction of said case.

V.

That this defendant denies that he did combine, conspire,

confederate or agree with any person or persons to lynch, or murder, or kill, or injure in any manner the said Ed Johnson on the 19th day of March, 1906, or at any other time, and positively denies that he had anything whatever to do with the lynching of the said Ed Johnson, and has no knowledge of who was concerned therein, and knows nothing of the facts pertaining to the same, and denies that he has done anything, by word, thought, or deed, to bring him in contempt of this Honorable Court.

The facts are that this defendant is a brickmason by trade, and lives at 1057½ Market Street, in the city of Chattanooga, Tennessee, something near one-half a mile from the County Jail and Court House, and had been at work all day on the 19th day of March, 1906, and came home about supper time from his work, and after eating his meal, stayed about the building where he lives, and near thereto, at the places of business of Mr. Deitch at 1061 Market Street, and the place of business of Mr. W. P. Barnes at 1057 Market Street, all the evening and night of that day until he retired about 11 o'clock P. M., and was not about or near the County Jail, Court House, or Tennessee River Bridge, that day or on that night, and never knew of a rumor that said Johnson would likely be lynched that night, and never saw a copy of the evening paper of March 19th, 1906, referred to in paragraph 3 of the Information filed against him in this case, nor read, nor heard read, any communication in said paper, or any other paper of said date concerning the jurisdiction taken by this Honorable Court of said case, or have any information whatever in that respect upon said date, but as before stated, the first information this defendant had that this Honorable Court had assumed jurisdiction of said case, or that said Johnson had been lynched, was first communicated to him by an article he read published in the Chattanooga Morning Times on the 20th day of March, 1906.

Nor did this defendant know on said 19th day of March, 1906, anything about the Clerk of this Honorable Court notifying defendant John F. Shipp, or other person by telegram,

or otherwise, of the making, or entering of any order, to the effect that all proceedings against the said Johnson were ordered stayed by this Honorable Court.

As to the whereabouts of this defendant on the evening and night of the said 19th day of March, 1906, defendant herewith submits the affidavits of W. P. Barnes whose place of business is 1057 Market Street, Chattanooga, Tennessee, which affidavit is marked "Exhibit A" and attached hereto and made a part of this answer.

And this defendant also presents the affidavit of J. M. Prince, who is a clerk for said W. P. Barnes, at his place of business, 1057 Market Street, which affidavit is marked "Exhibit B" and attached hereto and made a part of this answer.

And this defendant also presents the affidavit of his wife, Mrs. N. E. Ward, who lives at 1057½ Market Street in Chattanooga, which affidavit is hereto attached marked "Exhibit C" and made a part of this his answer, and which, if competent, in this kind of a case, he respectfully submits same to the consideration of this Honorable Court.

And in further support of this defendant's innocence of the charge contained in the petition against him in this case, he herewith submits the affidavit of Mr. Walter Spradley whose place of business is 1061 Market Street in the city of Chattanooga, Tennessee, which is marked "Exhibit D" and attached hereto and made a part of this answer.

And now having fully answered defendant prays to be dismissed with his reasonable costs.

JOHN A. HOOD,
Attorney for Defendant.

STATE OF TENNESSEE,
HAMILTON COUNTY.

Personally appeared before the undersigned authority, Frank Ward, defendant in the above styled cause, who being first duly sworn, deposes and says: That he has read the statements in the foregoing answer, and that the same are true to his own

knowledge, except as to those matters therein stated on information and belief, and as to those matters he believes them to be true.

FRANK WARD.

Sworn to and subscribed before me on
this the 11th day of October, 1906.

E. J. NOLAN,
Notary Public, Hamilton County, Tennessee.

(SEAL.)

I hereby certify that my Commission as Notary Public, is dated on the 10th day of August, 1904, and expires on the 10th day of August, 1908.

E. J. NOLAN,
Notary Public.

(SEAL.)

"EXHIBIT A."

To the answer of Frank Ward in the case of the United States vs. John F. Shipp et al. No. 26 in the Supreme Court of the United States.

STATE OF TENNESSEE,
HAMILTON COUNTY.

Personally appeared before the undersigned authority, W. P. Barnes, who being duly sworn, deposed as follows: I am a citizen of Chattanooga, Tennessee, and reside at No. 10 Hotel Street, and own and run a saloon at 1057 Market Street in said city.

I remember the night that it is said that a colored man by the name of Ed Johnson was lynched on the 19th day of March, 1906.

I am acquainted with Frank Ward who is charged by the Government with participating in said lynching.

Said Ward lived at that time and still lives over my saloon at 1057 Market Street, Chattanooga, Tennessee.

I remember very well on that night that Mr. Ward was in,

and about, my saloon from six o'clock P. M. until after I closed my saloon at ten o'clock P. M.

He was drinking considerable that evening and was in and out of the saloon every few minutes from six P. M. until I closed my doors at ten o'clock that night, and after I closed, I remained in my saloon until about 11 o'clock working, and arranging everything for the next morning, and came out of my saloon about 11 o'clock to go home and found Mr. Ward on the outside in front, pretty well intoxicated, so much so, that I thought it best to put him on the inside of the hall door, which leads upstairs to where he lives, which I did. This was about 11 o'clock P. M. and when I put him on the inside I went home and never saw anything more of him that night.

W. P. BARNES.

Sworn to and subscribed before me on
this the 11th day of October, 1906.

E. J. NOLAN,
Notary Public Hamilton County, Tennessee.

(SEAL.)

"EXHIBIT B."

To the answer of Frank Ward in the case of the United States vs. John F. Shipp et al. No. 26 in the Supreme Court of the United States.

STATE OF TENNESSEE,
HAMILTON COUNTY.

Personally appeared before the undersigned authority, J. M. Prince, who being duly sworn, deposed as follows: I live in Chattanooga, Tennessee, at 407½ Patton Street and am a bartender for Mr. W. P. Barnes at 1057 Market Street in said city. I always go on duty at the saloon at 5 o'clock in the morning and remain on duty until 8 o'clock at night, and then Mr. Barnes relieves me at that time—8 P. M.

I remember the occasion of Ed Johnson being lynched on the 19th day of March, 1906. I am well acquainted with Mr.

Frank Ward who is accused by the Government of taking part in that lynching.

Mr. Ward lives up over the saloon at 1057 Market Street, and did at that time. After supper on that evening Mr. Ward came down into the saloon and was drinking some, and he remained in and about the saloon that night until I left after 8 o'clock P. M. I got off of duty at 8 o'clock P. M. that night but did not leave the saloon until about 8:20 P. M. and Mr. Ward was in the saloon when I left. He was considerably intoxicated when I left.

J. M. PRINCE.

Sworn to and subscribed before me on
this the 11th day of October, 1906.

E. J. NOLAN,
Notary Public Hamilton County, Tennessee.

(SEAL.)

"EXHIBIT C"

To the answer of Frank Ward in the case of the United States vs. John F. Shipp et al. No. 26 in the Supreme Court of the United States.

STATE OF TENNESSEE,
HAMILTON COUNTY.

Personally appeared before the undersigned authority, Mrs. N. E. Ward, who being duly sworn, deposed as follows:

I live at No. 1057½ Market Street in the city of Chattanooga, Tennessee, and am the wife of Mr. Frank Ward, who has been served with notice by the United States officers to appear at Washington, D. C., on the 15th day of October, 1906, as being implicated in the lynching of Ed Johnson, a colored man, some time ago, on the 19th day of March, 1906.

I know that on the night of that day Mr. Ward was here about the building where we live, from the time he ate supper about 5:30 or 6 o'clock P. M. up to about 11 o'clock P. M. when he went to bed.

He was down in the saloon of Mr. W. P. Barnes underneath where we live a part of that time, and up here a part of the time during these hours.

I remember I was up stairs at the front window looking down in front of the building at ten o'clock P. M. when Mr. Barnes closed the doors of his saloon at ten o'clock. I then saw Mr. Ward and another man standing out on the edge of the sidewalk by the side of the telephone post in front of the saloon. I do not know whether he came out of the saloon just as the doors closed or not, but about that time I saw him and this man out on the sidewalk.

Mr. Ward was drinking some that night and I kept watching him on the sidewalk thinking that he would come up stairs, but he did not come for some little time, and a little later some one put him inside the hall-way and locked the door, and then he came up stairs, and never left the building any more that night. I heard afterward that it was Mr. Barnes, who owns the saloon, that put him inside the hall-way and locked the hall door.

N. E. WARD.

Sworn to and subscribed before me on
this the 11th day of October, 1906.

E. J. NOLAN,
Notary Public Hamilton County, Tennessee.

(SEAL.)

"EXHIBIT D"

To the answer of Frank Ward in the case of the United States vs. John F. Shipp et al. No. 26 in the Supreme Court of the United States.

STATE OF TENNESSEE,
HAMILTON COUNTY.

Personally appeared before the undersigned authority, Walter D. Spradley, who being duly sworn, deposed as follows:

My place of business is at 1061 Market Street in the city of

Chattanooga, Tennessee. I remember the night that Ed Johnson was said to have been lynched on the 19th day of March, 1906.

I know Mr. Frank Ward, who is charged by the Government with participating in said lynching. My place of business is that of a clerk at 1061 Market Street, Chattanooga, and on the night of said lynching Mr. Deitch, my employer, was off duty and I had to stay on duty and work until 11 o'clock that night. I work for Mr. Deitch and usually get off from work at 7 o'clock in the evening. Mr. Deitch runs a restaurant.

But on this evening and night I had to work until 11 o'clock P. M. and Mr. Ward came into our restaurant four or five times.

I remember that he was in the restaurant about half past nine, and again about a quarter of ten o'clock P. M.

He was considerably intoxicated that night and was in no condition to have gone to the lynching. I know him well and can not be mistaken about his being there. I put him out at the door of the restaurant and told him to go home about twenty-five minutes after ten o'clock that night. The saloons all close at ten o'clock and I know that it was a few minutes after that when I put him out, and I told Mr. Ward the saloons were all closed and that he could not get anything more to drink and for him to go home and go to bed.

WALTER D. SPRADLEY.

Sworn to and subscribed before me on
this the 20th day of September, 1906.

JOHN A. HOOD,
Notary Public Hamilton County, Tennessee.

FILE COPY.

Office Supreme Court U. S.
FILED
OCT 15 1906
JAMES H. MCKENNEY,
Clerk.

~~No. 18 Original.~~

In the Supreme Court of the United States.

~~October Term, 1906.~~

THE UNITED STATES OF AMERICA, complainants.
vs.
JOHN F. SHIPP AND OTHERS, defendants.

No. 5 Orig.
O. T. 1907

ANSWER OF BART JUSTICE, ONE OF THE DEFENDANTS.

LEWIS SHEPHERD,
FLEMING & SHEPHERD,
Attorneys.

THE UNITED STATES OF AMERICA,
Complainants,
vs.
JOHN F. SHIPP AND OTHERS,
Defendants.

Answer of Bart Justice to the information filed by Mr. Attorney General William H. Moody, filed in the above styled cause, and to the rule to show cause why he should not be punished as and for a contempt of the Honorable Court, issued May 28th, 1906.

By way of answer to the Information filed by the Attorney General and the rule granted by the Honorable Court, this defendant shows and avers as follows:

He denies that he had any connection with or had anything to do with the mob which attacked the jail of Hamilton County, Tennessee, on the evening and night of the 19th day of March, 1906, when Ed. Johnson was taken from jail and lynched. This defendant had no knowledge or information whatever by rumor or otherwise that a mob was to be formed or was forming to lynch and murder said Ed. Johnson.

He did not at any time combine, conspire, confederate, or agree with the persons named in said Information or any or either of them, or with any other person or persons to break

and enter the jail of Hamilton County for the purpose of taking therefrom the person of Ed. Johnson to lynch and murder him. He did not participate with the mob that broke the jail or with the mob which lynched and murdered said Ed. Johnson. He did not know before hand that a mob was to be formed to lynch said Ed. Johnson, and he did not in any way aid, abet, counsel or advise the lynching of said Ed. Johnson, and did not know anything about the formation of the mob or its work until after the affair was over, and did not approve the action of the mob in lynching and murdering the said Ed. Johnson.

Defendant was informed after Johnson was hanged, that the mob attacked the jail at or about the hour of nine o'clock P. M., March 19, 1906.

Defendant left his place of employment, the shops of the United States Pipe and Foundry Company about 4:30 o'clock P. M. of said date, and went to his home in St. Elmo, Tenn. Defendant's home is about four miles from the jail of Hamilton County.

About 7:30 o'clock P. M. of said date, defendant in company with his wife and daughter went to the home of one of his neighbors, Jim James, and remained there until about 10:30 o'clock P. M. At that time defendant returned to his home and knew nothing of the lynching of Ed. Johnson until the following morning, when he went to his work.

This defendant denies that he ever at any time did any act to show contempt and disregard for the order of this Honorable Court or to prevent this Court from hearing the appeal

of the said Ed. Johnson. He has always entertained the very highest respect for this Honorable Court.

And now having fully answered the Information and rule so far as they effect him, he prays to be hence discharged and as in duty bound he will ever pray.

BART JUSTICE.

LEWIS SHEPHERD,
FLEMING & SHEPHERD,
Attorneys for Defendant.

STATE OF TENNESSEE,
HAMILTON COUNTY.

Personally appeared Bart Justice and made oath that the facts stated in the foregoing answer are true to the best of his knowledge, information and belief.

BART JUSTICE.

Subscribed and sworn to before me
this 8th day of October, 1906.

WILLIAM C. SHEPHERD,
Notary Public.

[SEAL]

FILE COPY.

Office Supreme Court U. S.
FILED
OCT 15 1906
JAMES H. McKENNEY,
Clerk.

~~No. 12 Original~~

In the Supreme Court of the United States.

~~OCTOBER TERM, 1906.~~

THE UNITED STATES OF AMERICA, complainants,
vs.
JOHN F. SHIPP AND OTHERS, defendants.

No. 5 Orig.
O. T. 1907

ANSWER OF ALFRED HANDMAN, ONE OF THE DEFENDANTS.

LEWIS SHEPHERD,
FLEMING & SHEPHERD,
Attorneys.

THE UNITED STATES OF AMERICA,
Complainants,
vs.
JOHN F. SHIPP AND OTHERS,
Defendants.

Answer of Alfred Handman to the Information of Mr. Attorney General William H. Moody, filed in the above styled cause, and to the rule to show cause why he should not be punished as and for contempt of this Honorable Court, issued May 28th, 1906.

By way of answer to the Information filed by the Attorney General and the rule granted by the Honorable Court, this defendant shows and avers as follows:

He denies that he had any connection with or had anything to do with the mob which attacked the jail of Hamilton County, Tennessee, on the evening and night of the 19th day of March, 1906, when Ed. Johnson was taken from jail and lynched. This defendant had no knowledge or information whatever by rumor or otherwise that a mob was to be formed or was forming to lynch and murder said Ed. Johnson.

He did not at any time combine, conspire, confederate, or agree with the persons named in said Information or any or either of them, or with any other person or persons to break and enter the jail of Hamilton County for the purpose of

taking therefrom the person of Ed. Johnson to lynch and murder him. He did not participate with the mob that broke the jail or with the mob which lynched and murdered said Ed. Johnson. He did not know before hand that a mob was to be formed to lynch said Ed. Johnson, and he did not in any way aid, abet, counsel or advise the lynching of said Ed. Johnson, and did not know anything about the formation of the mob or its work until after the affair was over, and did not approve the action of the mob in lynching and murdering the said Ed. Johnson.

Defendant was informed after Johnson was hanged, that the mob attacked the jail at or about the hour of nine o'clock P. M., March 19, 1906.

At that time defendant was at the saloon of Ransom & Co., on Market street, in the City of Chattanooga, where he had gone about 8 o'clock P. M. to meet some friends. He met, among others, Messrs. Bill Hodgson, Dick Pooler and John Kean. By an ordinance of the City of Chattanooga, all saloons are required to close at the hour of 10 o'clock. He remained at said saloon until the closing thereof at 10 o'clock P. M. After leaving said saloon defendant went immediately to Fire Hall No. 1, on Carter street, in said City of Chattanooga, and there met the night watchman, Mr. Henry Gunther, who told him of the lynching of Ed. Johnson. He left the Fire Hall about 10:30 o'clock P. M., and went to his bed at the home of Mrs. Kelly O'Rear, on Gillespie street.

This defendant denies that he ever at any time did any act to show contempt and disregard for the order of this Hon-

orable Court or to prevent this Court from hearing the appeal of the said Ed. Johnson. He has always entertained the very highest respect for this Honorable Court.

And now having fully answered the Information and rule so far as they effect him, he prays to be hence discharged and as in duty bound he will ever pray.

ALFRED HANDMAN.

LEWIS SHEPHERD,
FLEMING & SHEPHERD,
Attorneys for Defendant.

STATE OF TENNESSEE,
HAMILTON COUNTY.

Personally appeared Alfred Handman and made oath that the facts stated in the foregoing answer are true to the best of his knowledge, information, and belief.

ALFRED HANDMAN.

Subscribed and sworn to before me
this 8th day of October, 1906.

WILLIAM C. SHEPHERD,
Notary Public.

[SEAL]

FILE COPY.

Office Supreme Court U. S.
FILED
OCT 15 1906
JAMES H. MCKENNEY,
Clerk.

~~No. 12 Original.~~

In the Supreme Court of the United States.

~~OCTOBER TERM, 1906.~~

THE UNITED STATES OF AMERICA, complainants,
vs.
JOHN F. SHIPP AND OTHERS, defendants.

No. 5 Orig.
O. T. 1907

ANSWER OF CLAUDE POWELL, ONE OF THE DEFENDANTS.

LEWIS SHEPHERD,
FLEMING & SHEPHERD,
Attorneys.

THE UNITED STATES OF AMERICA,
Complainants,
vs.
JOHN F. SHIPP AND OTHERS,
Defendants.

Answer of Claude Powell to the Information of Mr. Attorney General William H. Moody, filed in the above styled cause, and to the rule to show cause why he should not be punished as and for a contempt of this Honorable Court, issued May 28th, 1906.

By way of answer to the Information filed by the Attorney General and the rule granted by the Honorable Court, this defendant shows and avers as follows:

He denies that he had any connection with or had anything to do with the mob which attacked the jail of Hamilton County, Tennessee, on the evening and night of the 19th day of March, 1906, when Ed. Johnson was taken from jail and lynched. This defendant had no knowledge or information whatever by rumor or otherwise that a mob was to be formed or was forming to lynch and murder said Ed. Johnson.

He did not at any time combine, conspire, confederate, or agree with the persons named in said Information or any or either of them, or with any other person or persons to break

and enter the jail of Hamilton County for the purpose of taking therefrom the person of Ed. Johnson to lynch and murder him. He did not participate with the mob that broke the jail or with the mob which lynched and murdered said Ed. Johnson. He did not know before hand that a mob was to be formed to lynch said Ed. Johnson, and he did not in any way aid, abet, counsel or advise the lynching of said Ed. Johnson, and did not know anything about the formation of the mob or its work until after the affair was over, and did not approve the action of the mob in lynching and murdering the said Ed. Johnson.

Defendant was informed after Johnson was hanged, that the mob attacked the jail at or about the hour of nine o'clock P. M., March 19, 1906.

About 7:30 o'clock P. M. of said date, defendant left his place of business and went to the place of business of one Richard Averitt, on Eighth street, in the City of Chattanooga. There he met Patrick Kuntz and was with him at said Averitt's and on Eighth and Ninth streets in said city until after the hour of 10:30 o'clock P. M. About 10:30 o'clock P. M. of said date, defendant started to his home, and on the corner of Ninth and Market streets met an acquaintance, one Chris Mattell, who told him that Ed. Johnson had been taken from the jail and hanged. This was the first information defendant had of the mob or the lynching and murdering of Ed. Johnson.

This defendant denies that he ever at any time did any act to show contempt and disregard for the order of this Honorable Court or to prevent this Court from hearing the appeal

of the said Ed. Johnson. He has always entertained the very highest respect for this Honorable Court.

And now having fully answered the Information and rule so far as they effect him, he prays to be hence discharged and as in duty bound he will ever pray.

CLAUDE POWELL.

LEWIS SHEPHERD,
FLEMING & SHEPHERD,
Attorneys for Defendant.

STATE OF TENNESSEE,
HAMILTON COUNTY.

Personally appeared Claude Powell and made oath that the facts stated in the foregoing answer are true to the best of his knowledge, information and belief.

CLAUDE POWELL.

Subscribed and sworn to before me
this 8th day of October, 1906.

WILLIAM C. SHEPHERD,
Notary Public.

[SEAL]

FILE COPY.

Office Supreme Court U. S.
FILED
OCT 15 1906
JAMES H. MCKENNEY,
Clerk.

~~No. 12 Original.~~

In the Supreme Court of the United States.

~~October Term, 1906.~~

THE UNITED STATES OF AMERICA, complainants.
vs.
JOHN F. SHIPP AND OTHERS, defendants.

No. 5 Orig.
O. T. 1907

ANSWER OF JOHN JONES, ONE OF THE DEFENDANTS.

LEWIS SHEPHERD,
FLEMING & SHEPHERD,
Attorneys.

THE UNITED STATES OF AMERICA,
Complainants,
vs.
JOHN F. SHIPP AND OTHERS,
Defendants.

Answer of John Jones to the Information of Mr. Attorney General William H. Moody, filed in the above styled cause, and to the rule to show cause why he should not be punished as and for a contempt of this Honorable Court, issued May 28th, 1906.

By way of answer to the Information filed by the Attorney General and the rule granted by the Honorable Court, this defendant shows and avers as follows:

He denies that he had any connection with or had anything to do with the mob which attacked the jail of Hamilton County, Tennessee, on the evening and night of the 19th day of March, 1906, when Ed. Johnson was taken from jail and lynched. This defendant had no knowledge or information whatever by rumor or otherwise that a mob was to be formed or was forming to lynch and murder said Ed. Johnson.

He did not at any time combine, conspire, confederate, or agree with the persons named in said Information or any or either of them, or with any other person or persons to break

and enter the jail of Hamilton County for the purpose of taking therefrom the person of Ed. Johnson to lynch and murder him. He did not participate with the mob that broke the jail or with the mob which lynched and murdered said Ed. Johnson. He did not know before hand that a mob was to be formed to lynch said Ed. Johnson, and he did not in any way aid, abet, counsel or advise the lynching of said Ed. Johnson, and did not know anything about the formation of the mob or its work until after the affair was over, and did not approve the action of the mob in lynching and murdering the said Ed. Johnson.

Defendant was informed after Johnson was hanged, that the mob attacked the jail at or about the hour of nine o'clock P. M., March 19, 1906.

At that time defendant was on Whiteside street, in South Chattanooga, being fully two miles from the Hamilton County jail. Defendant was in the saloon of Mr. E. L. Shepherd, on Whiteside street from the hour of about 9 o'clock P. M. until the saloon closed at 10 o'clock P. M., in pursuance of an ordinance of the City of Chattanooga, closing all saloons at that hour. After leaving the saloon defendant went to his home in South Chattanooga, and knew nothing of the lynching of Ed. Johnson until the following day.

This defendant denies that he ever at any time did any act to show contempt and disregard for the order of this Honorable Court or to prevent this Court from hearing the appeal of the said Ed. Johnson. He has always entertained the very highest respect for this Honorable Court.

And now having fully answered the Information and rule so far as they effect him, he prays to be hence discharged and as in duty bound he will ever pray.

JOHN JONES.

LEWIS SHEPHERD,
FLEMING & SHEPHERD,
Attorneys for Defendant.

STATE OF TENNESSEE,
HAMILTON COUNTY.

Personally appeared John Jones and made oath that the facts stated in the foregoing answer are true to the best of his knowledge, information and belief.

JOHN JONES.

Subscribed and sworn to before me
this 8th day of October, 1906.

WILLIAM C. SHEPHERD,
Notary Public.

[SEAL]

FILE COPY.

Office Supreme Court U. S.
FILED
OCT 15 1906
JAMES H. MCKENNEY,
Clerk.

~~No. 12 Original.~~

In the Supreme Court of the United States.

~~October Term, 1906.~~

THE UNITED STATES OF AMERICA, complainants,
vs.
JOHN F. SHIPP AND OTHERS, defendants.

No. 5 Orig.
O. T. 1907

ANSWER OF HENRY PAIGETT, ONE OF THE DEFENDANTS.

LEWIS SHEPHERD,
FLEMING & SHEPHERD,
Attorneys.

THE UNITED STATES OF AMERICA,
Complainants,
vs.
JOHN F. SHIPP AND OTHERS,
Defendants.

Answer of Henry Padgett to the Information of Mr. Attorney General William H. Moody, filed in the above styled cause, and to the rule to show cause why he should not be punished as and for a contempt of this Honorable Court, issued May 28th, 1906.

By way of answer to the Information filed by the Attorney General and the rule granted by the Honorable Court, this defendant shows and avers as follows:

He denies that he had any connection with or had anything to do with the mob which attacked the jail of Hamilton County, Tennessee, on the evening and night of the 19th day of March, 1906, when Ed. Johnson was taken from jail and lynched. This defendant had no knowledge or information whatever by rumor or otherwise that a mob was to be formed or was forming to lynch and murder said Ed. Johnson.

He did not at any time combine, conspire, confederate, or agree with the persons named in said Information or any or either of them, or with any other person or persons to break and enter the jail of Hamilton County for the purpose of

taking therefrom the person of Ed. Johnson to lynch and murder him. He did not participate with the mob that broke the jail or with the mob which lynched and murdered said Ed. Johnson. He did not know before hand that a mob was to be formed to lynch said Ed. Johnson, and he did not in any way aid, abet, counsel or advise the lynching of said Ed. Johnson, and did not know anything about the formation of the mob or its work until after the affair was over, and did not approve the action of the mob in lynching and murdering the said Ed. Johnson.

Defendant was informed after Johnson was hanged, that the mob attacked the jail at or about the hour of nine o'clock P. M., March 19, 1906.

At that time defendant was in the bar of the Stag Hotel on Market street, in Chattanooga, where he had been since 7 o'clock P. M. with some friends. He was with Messrs. Will George, Quincy Chambers, Dave M. Junkins, Tom Duckworth and the proprietor, Mr. A. L. Stanley. He remained in said bar until it was closed at 10 o'clock P. M., in pursuance of an ordinance of the City of Chattanooga, requiring all saloons to close at 10 o'clock P. M.

Defendant then went into the pool room of said Stag Hotel and remained there until near midnight, when he went to his home.

Defendant knew nothing of the mob nor the lynching of Ed. Johnson until the following morning.

This defendant denies that he ever at any time did any act to show contempt and disregard for the order of this Hon-

orable Court or to prevent this Court from hearing the appeal of the said Ed. Johnson. He has always entertained the very highest respect for this Honorable Court.

And now having fully answered the Information and rule so far as they effect him, he prays to be hence discharged and as in duty bound he will ever pray.

HENRY PADGETT.

LEWIS SHEPHERD,
FLEMING & SHEPHERD,
Attorneys for Defendant.

STATE OF TENNESSEE,
HAMILTON COUNTY.

Personally appeared Henry Padgett and made oath that the facts stated in the foregoing answer are true to the best of his knowledge, information and belief.

HENRY PADGETT.

Subscribed and sworn to before me
this 8th day of October, 1906.

WILLIAM C. SHEPHERD,
Notary Public.

[SEAL]

FILE COPY.

Office Supreme Court U. S.
FILED
OCT 15 1906
JAMES H. MCKENNEY,
Clerk.

No. ~~12 Original.~~

In the Supreme Court of the United States.

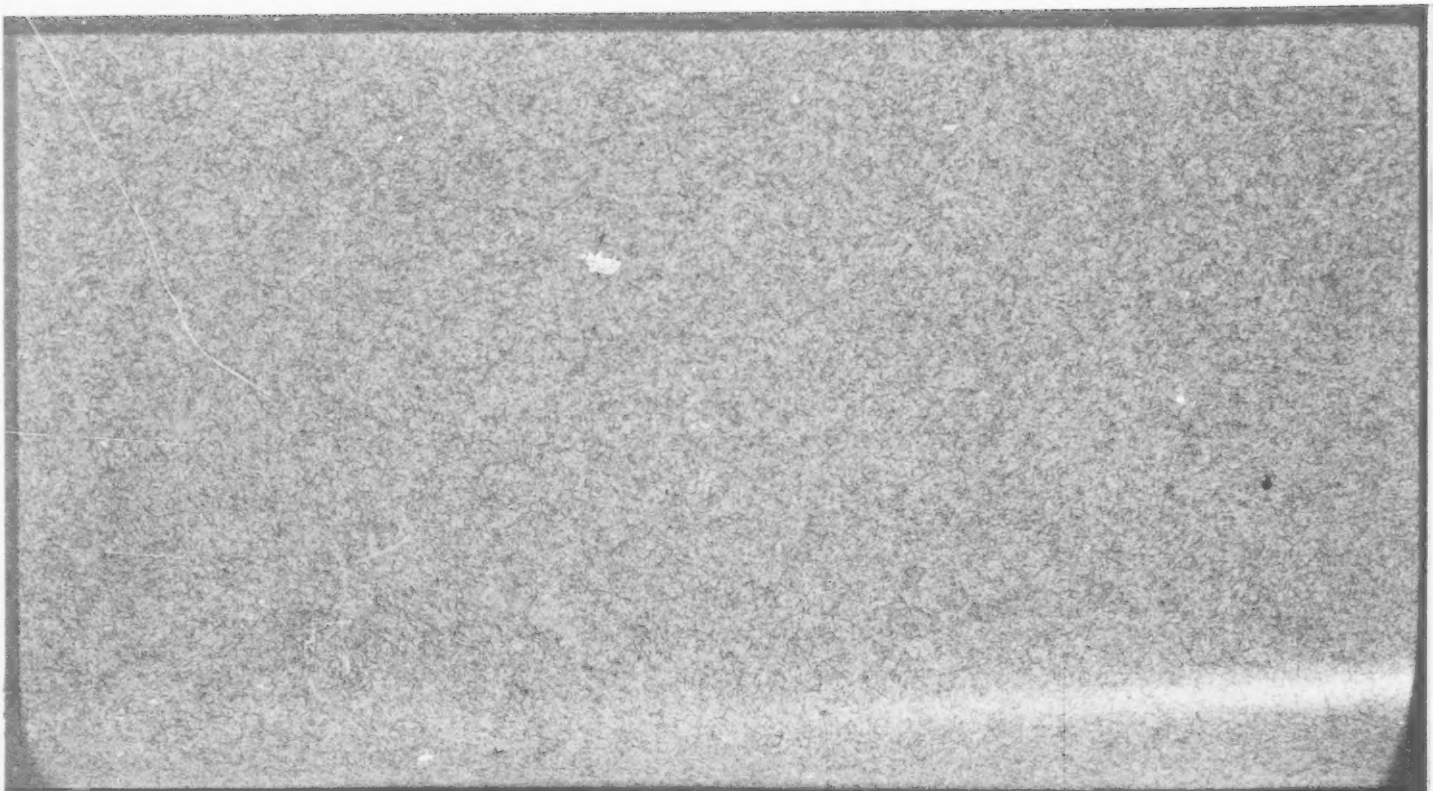
~~OCTOBER TERM, 1906.~~

THE UNITED STATES OF AMERICA, complainants.
vs.
JOHN F. SHIPP AND OTHERS, defendants.

No. 4 Orig.
O. T. 1907

ANSWER OF NICK NOLAN, ONE OF THE DEFENDANTS.

LEWIS SHEPHERD,
FLEMING & SHEPHERD,
Attorneys.



THE UNITED STATES OF AMERICA,
Complainants,
vs.
JOHN F. SHIPP AND OTHERS,
Defendants.

Answer of Nick Nolan to the Information of Mr. Attorney General William H. Moody, filed in the above styled cause, and to the rule to show cause why he should not be punished as and for a contempt of this Honorable Court, issued May 28th, 1906.

By way of answer to the Information filed by the Attorney General and the rule granted by the Honorable Court, this defendant shows and avers as follows:

He denies that he had any connection with or had anything to do with the mob which attacked the jail of Hamilton County, Tennessee, on the evening and night of the 19th day of March, 1906, when Ed. Johnson was taken from jail and lynched. This defendant had no knowledge or information whatever by rumor or otherwise that a mob was to be formed or was forming to lynch and murder said Ed. Johnson.

He did not at any time combine, conspire, confederate, or agree with the persons named in said Information or any or either of them, or with any other person or persons to break and enter the jail of Hamilton County for the purpose of

taking therefrom the person of Ed. Johnson to lynch and murder him. He did not participate with the mob that broke the jail or with the mob which lynched and murdered said Ed. Johnson. He did not know before hand that a mob was to be formed to lynch said Ed. Johnson, and he did not in any way aid, abet, counsel or advise the lynching of said Ed. Johnson, and did not know anything about the formation of the mob or its work until after the affair was over, and did not approve the action of the mob in lynching and murdering the said Ed. Johnson.

Defendant was informed after Johnson was hanged, that the mob attacked the jail at or about the hour of nine o'clock P. M., March 19, 1906.

At that time the defendant was at his place of business on Whiteside street, in South Chattanooga, about two miles from the Hamilton County jail. About 9:30 o'clock P. M. of said date he left his place of business and went to the saloon of John Nolan, in South Chattanooga, on Whiteside street. He remained at this saloon until 10 o'clock P. M., at which time the saloon was closed in pursuance of an ordinance of the City of Chattanooga requiring all saloons to close at 10 o'clock P. M. After the said saloon closed, defendant remained there or thereabouts with the proprietor, John Nolan, discussing a question of politics until about 10:30 o'clock P. M., at which time he went to his home on Aiken street, in South Chattanooga, where he remained until next morning.

This defendant denies that he ever at any time did any act to show contempt and disregard for the order of this Hon-

orable Court or to prevent this Court from hearing the appeal of the said Ed. Johnson. He has always entertained the very highest respect for this Honorable Court.

And now having fully answered the Information and rule so far as they effect him, he prays to be hence discharged and as in duty bound he will ever pray.

NICK NOLAN.

LEWIS SHEPHERD,
FLEMING & SHEPHERD,
Attorneys for Defendant.

STATE OF TENNESSEE,
HAMILTON COUNTY.

Personally appeared Nick Nolan and made oath that the facts stated in the foregoing answer are true to the best of his knowledge, information and belief.

NICK NOLAN.

Subscribed and sworn to before me
this 8th day of October, 1906.

WILLIAM C. SHEPHERD,
Notary Public.

[SEAL]

FILED
OCT 15 1906
JAMES H. McKENNEY, Clerk.

FILE COPY.

~~No. 12 Original.~~

In the Supreme Court of the United States.

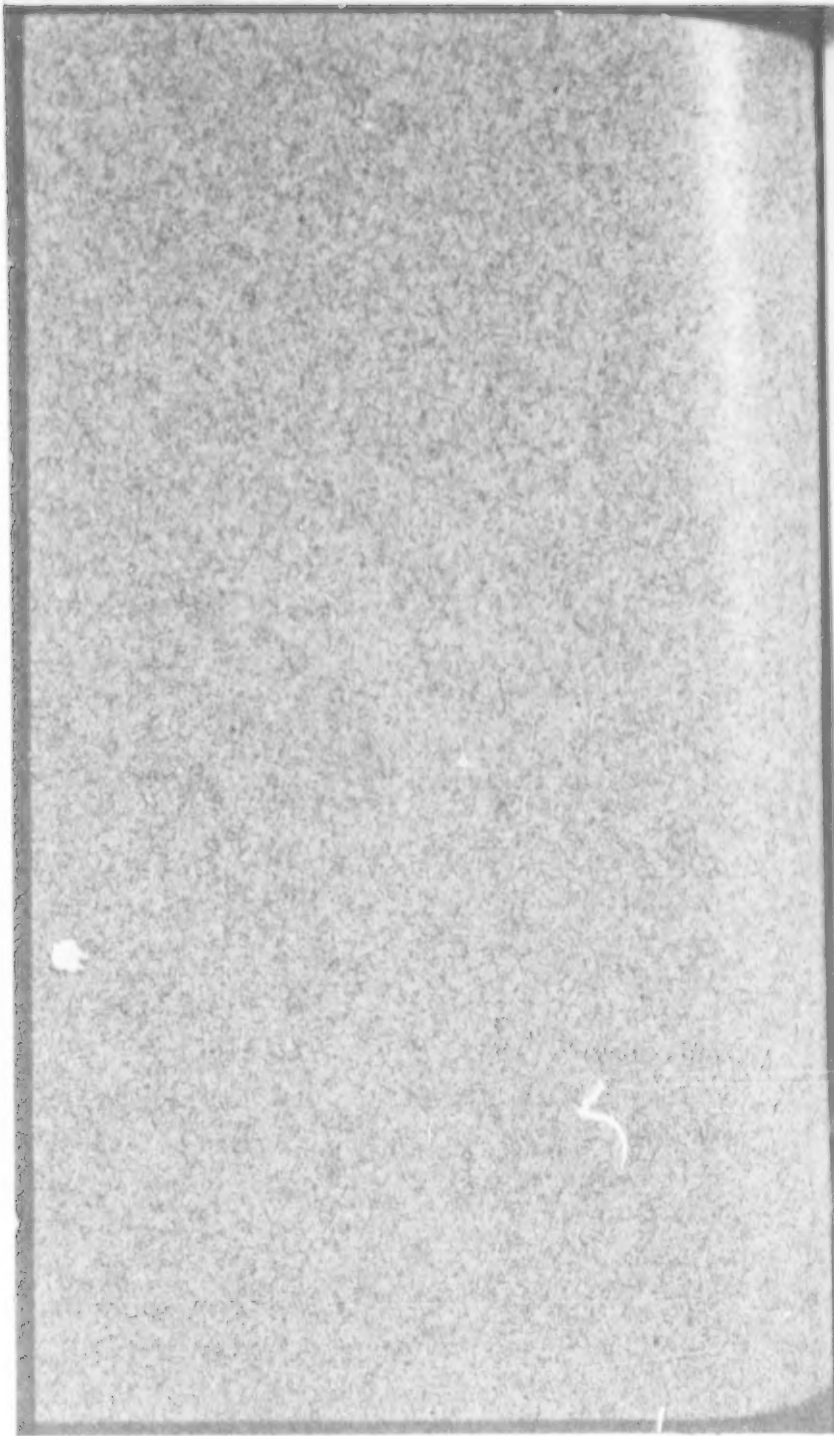
~~OCTOBER TERM, 1906.~~

THE UNITED STATES OF AMERICA, complainants,
vs.
JOHN F. SHIPP AND OTHERS, defendants.

No. 4 Orig.
O. T. 1907

ANSWER OF WILLIAM MAYES, ONE OF THE DEFENDANTS.

LEWIS SHEPHERD,
FLEMING & SHEPHERD,
Attorneys.



THE UNITED STATES OF AMERICA,
Complainants,
vs.
JOHN F. SHIPP AND OTHERS.
Defendants.

Answer of William Mayes to the Information of Mr. Attorney General William H. Moody, filed in the above styled cause, and to the rule to show cause why he should not be punished as and for a contempt of this Honorable Court, issued May 28th, 1906.

By way of answer to the Information filed by the Attorney General and the rule granted by the Honorable Court, this defendant shows and avers as follows:

He denies that he had any connection with or had anything to do with the mob which attacked the jail of Hamilton County, Tennessee, on the evening and night of the 19th day of March, 1906, when Ed. Johnson was taken from jail and lynched. This defendant had no knowledge or information whatever by rumor or otherwise that a mob was to be formed or was forming to lynch and murder said Ed. Johnson.

He did not at any time combine, conspire, confederate,

or agree with the persons named in said Information or any or either of them, or with any other person or persons to break and enter the jail of Hamilton County for the purpose of taking therefrom the person of Ed. Johnson to lynch and murder him. He did not participate with the mob that broke the jail or with the mob which lynched and murdered said Ed. Johnson. He did not know before hand that a mob was to be formed to lynch said Ed. Johnson, and he did not in any way aid, abet, counsel or advise the lynching of said Ed. Johnson, and did not know anything about the formation of the mob or its work until after the affair was over, and did not approve the action of the mob in lynching and murdering the said Ed. Johnson.

Defendant was informed after Johnson was hanged, that the mob attacked the jail at or about the hour of nine o'clock P. M., March 19, 1906.

At that time defendant was at his home on Poplar street, in Chattanooga, some distance from said jail. He retired about 7:30 o'clock P. M. on that evening, and remained at his home in bed until the following morning. He first learned of the mob and lynching of Ed. Johnson on the morning of March 20th, by telephone message from a friend.

This defendant denies that he ever at any time did any act to show contempt and disregard for the order of this Honorable Court or to prevent this Court from hearing the appeal of the said Ed. Johnson. He has always entertained the very highest respect for this Honorable Court.

And now having fully answered the Information and rule so far as they effect him, he prays to be hence discharged and as in duty bound he will ever pray.

WILLIAM MAYES.

LEWIS SHEPHERD,
FLEMING & SHEPHERD,
Attorneys for Defendant.

STATE OF TENNESSEE,
HAMILTON COUNTY.

Personally appeared William Mayes and made oath that the facts stated in the foregoing answer are true to the best of his knowledge, information and belief.

WILLIAM MAYES.

Subscribed and sworn to before me
this 8th day of October, 1906.

WILLIAM C. SHEPHERD,
Notary Public.

[SEAL]

No. 4 Orig.

O. T. 1907

FILE COPY.

SUPREME COURT OF THE UNITED STATES.

~~OCTOBER TERM, 1906.~~

~~No. 12, Original.~~

Office Supreme Court, U. S.
FILED.
OCT 15 1906
JAMES H. McKENNEY,
CLERK.

THE UNITED STATES OF AMERICA, COMPLAINANT,

vs.

JOHN F. SHIPP ET AL.

ANSWER OF JOSEPH F. SHIPP AND OTHERS TO RULE TO SHOW CAUSE.

JUDSON HARMON,
CLIFT & COOKE,
ROBERT PRITCHARD,
Attorneys for Defendant.

JUDD & DETWEILER (INC.), PRINTERS, WASHINGTON, D. C. 23451

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1905.

No. 26, Original.

THE UNITED STATES OF AMERICA

vs.

JOHN F. SHIPP ET AL.

To the Honorable the Chief Justice and the Associate Justices of the Supreme Court of the United States:

Now come Joseph F. Shipp, Frank Jones, Matthew Galloway, C. A. Baker, T. D. Taylor, Fred Frauley, George Brown, Jeremiah Gibson, Marion Perkins, and Joseph Clark, defendants, and, admitting their official characters as alleged in the information herein, but protesting that they have each and all never nor in anywise been lacking in obedience to the authority and respect for the dignity of this Honorable Court, for cause why the prayer of said information should not be granted as against them respectfully show:

I.

They first respectfully submit whether they or any of them ought to be interrupted in the discharge of their duties under the laws of Tennessee and put to trouble and expense by being required to answer before this Honorable Court the charges made against them in the information, because they are advised and believe, and so aver, that said charges, even if true, would be, and ought to be treated as, crimes

under the laws of Tennessee and contempt of the judicial authority thereof only, and not offenses against the authority or dignity of this Honorable Court, by reason of the following facts which are each and all established by the record herein:

The petition filed in the Circuit Court of the United States by Ed. Johnson for a writ of *habeas corpus,* mentioned in the information and, with the complete record of the proceedings thereon, made part of said information by reference, did not in any way or in any respect whatever allege a lack of jurisdiction in the court of the State of Tennessee in which said Johnson was convicted, either to try him on said charge or to adjudge the sentence imposed on him under which he was in custody of said Shipp, as sheriff, as stated in the information.

It is not averred in said petition that the alleged denials of rights secured to said Johnson by the Constitution of the United States, or any one of such denials, were made by virtue or under color of the constitution, laws, or rules of judicial practice of the State of Tennessee. On the contrary it appears from said petition that each and every of such alleged denials of right was, and is charged as being, due to the individual action of officials and other citizens of said state in violation of their duties under the constitution and laws thereof.

And these defendants are advised and believe, and so aver, that according to the repeated and uniform decisions of this Honorable Court the Circuit Court of the United States, in which said petition for *habeas corpus* was filed, had no right or authority whatever to inquire into any of the matters alleged therein, but that the same were cognizable only by the Supreme Court of Tennessee, which, as shown by the record herein, had full power and authority under the constitution and laws of said State, properly to deal with and dispose of each and every complaint made in said petition with reference to the indictment, trial and sentence of said Johnson. So that said petition for a writ of *habeas corpus* was, on the

face thereof, merely an attempt on the part of said Johnson to obtain from the Circuit Court of the United States instead of from the Supreme Court of Tennessee a review of said proceedings for alleged errors therein.

Said record, which contains all the evidence offered by either party in said circuit court of the United States, shows that each and all the allegations of said petition for a writ of *habeas corpus* concerning the denial of rights to said Johnson by said criminal court of Tennessee, were both false and unfounded.

There was no proof whatever that he was denied the aid of counsel; on the contrary it appears that, as he was unable to employ counsel, said criminal court appointed three lawyers of high standing to conduct his defense, and that they did so, as he himself admits, with ability, fidelity and zeal.

There was no proof whatever that said Johnson ever made or had any ground for objection to the selection or character of the juries which indicted and tried him, or of either of them. On the contrary it appears that his counsel forbore to make such objection on learning the facts.

There was no proof whatever that his attorneys were denied the right to apply for a change of venue or a continuance. On the contrary, it appears that they forbore to make application therefor, and that the time for said trial, as originally fixed by the court, was postponed by the consent of counsel for both parties, and that the trial was had at the time so agreed on.

There was no evidence whatever that his trial was not public, or that any of his relatives or friends were prevented from attending the same. On the contrary the proof shows that precautions were merely taken, at the request of his own counsel, to prevent the attendance of disorderly persons only; that such precautions were withdrawn when the first day of the trial showed them to be needless, and that during each and all of the three days the trial lasted there was a large attendance of the public.

There was no proof whatever that he was compelled to give evidence against himself. On the contrary, it appears that he rose, without any objection by himself or his counsel, when requested by a juror, in order to afford the girl he was charged with assaulting a better view; and that the exclamation of a juror, which occurred after the testimony had all been given, was treated by all, including the prisoner and his counsel, as the effect of the proof on an emotional nature, not as evidence that the juror was not impartial when accepted and sworn, and consequently nothing was said or done by the prisoner's counsel with reference to such occurrence, although they had full opportunity.

There was no proof whatever that when new counsel took up his case after his conviction they were denied the right to file a motion for a new trial, or to present a bill of exceptions, or to appeal to the Supreme Court of Tennessee. On the contrary it appears that no motion for a new trial was presented until after the time allowed for such motions by the reasonable and long-established rules and practice of the court had expired, although said counsel had ample time to prepare and file the same before such expiration; and that said counsel took no steps whatever towards preparing or presenting a bill of exceptions or taking an appeal, although the court remained in session for an entire week after the conviction of said Johnson and for five consecutive days after said counsel first appeared.

By reason of the foregoing facts appearing undisputed on the record herein, these defendants are advised and believe, and so aver, that said petition for a writ of *habeas corpus* was not an appeal in good faith to the power and authority vested by the constitution and laws of the United States in said Circuit Court; that said Circuit Court of the United States had no right or authority to entertain said petition and thereby interfere with the proceedings had and taken by the judicial authority of the State of Tennessee; and that consequently the order of said Circuit Court dis-

missing said petition was not appealable to this honorable court under the decisions and rules of practice thereof and the constitution and laws of the United States.

They, therefore, humbly pray the consideration and judgment of the court in the premises and that said information be dismissed as against them.

II.

If and in case the court shall find and decide the foregoing cause shown to be insufficient, then these defendants, as further cause why they and each of them should not be punished as for contempt of this Honorable Court, as prayed in said information, severally and collectively plead and say, that the charges made against them and each of them respectively in said information are not true, and to each and every of said charges, that they are not guilty.

Wherefore these defendants each and all most humbly pray that the rule herein issued against them be discharged.

JOSEPH F. SHIPP.
FRANK JONES.
MATT L. GALLOWAY.
C. A. BAKER.
THOMAS B. TAYLOR.
GEORGE W. BROWN.
JEREMIAH GIBSON.
FRED FAULEY.
MARION PERKINS.
JOSEPH C. CLARK.

JUDSON HARMON,
CLIFT & COOKE,
ROBERT PRITCHARD,
Attorneys for Defendants.

STATE OF TENNESSEE, *County of Hamilton, ss:*

Joseph F. Shipp, Frank Jones, Matthew Galloway, C. A. Baker, T. D. Taylor, Fred Fauley, George Brown, Jeremiah Gibson, Marion Perkins, Joseph Clark, the defendants above named, being first duly sworn, each severally deposes and says that all and singular the statements made in the foregoing plea and answer are true, and that such thereof as are made on information and belief he verily believes to be true.

JOSEPH F. SHIPP.
FRANK JONES.
MATT L. GALLOWAY.
C. A. BAKER.
THOMAS B. TAYLOR.
GEORGE W. BROWN.
JEREMIAH GIBSON.
FRED FAULEY.
MARION PERKINS.
JOSEPH C. CLARK.

Sworn to before me and subscribed in my presence this 12th day of October, A. D. 1906.

W. F. CHAMLEE,
[NOTARIAL SEAL.] *Notary Public.*

[Endorsed:] Supreme Court U. S., October term, 1906. Term No. 12, original. The United States of America, compl't, *vs.* John F. Shipp *et al.* Answer of John F. Shipp and other defendants showing cause. Judson Harmon, Clift & Cooke, Robert Pritchard, attorneys for defendants. Filed Oct. 15, 1906.

FILE COPY.

No. 4 Orig.
O. T. 1907

[redacted]

Office Supreme Court U. S.
FILED
OCT 15 1906
JAMES H. MCKENNEY,
Clerk.

In the Supreme Court of the United States.

[redacted]

THE UNITED STATES OF AMERICA,
Complainants.

vs.

JOHN F. SHIPP AND OTHERS.
Defendants.

No. 4 Orig.
O. T. 1907

ANSWER OF S. J. CARTWRIGHT,
ONE OF THE DEFENDANTS.

SHUMATE & MADDOX,
JOHN H. EARLY,
Attorneys for Defendant.

In the Supreme Court of the United States.

THE UNITED STATES OF AMERICA,
Complainants,
vs.
JOHN F. SHIPP AND OTHERS,
Defendants.
No. 26. Original.

Now comes A. J. Cartwright, one of the defendants in the above styled cause, and for separate answer to the information filed against him and others in the Supreme Court of the United States of America on the 25th day of May, 1906, as well as to the rule to show cause why he should not be punished as and for contempt of said Honorable Court, issued on the 28th day of May, 1906, says:

The said A. J. Cartwright respectively submits to the Court that as to him the charges of combination, confederation and agreeing together with others to break and enter the jail of Hamilton County for the purpose of taking therefrom Ed Johnson and murdering him or for any other purpose is wholly without foundation in fact. The defendant respectively informs the Honorable Court that he combined with no one; he confederated with no one; he agreed with no one to take Ed Johnson from the jail of Hamilton County to kill and murder him, the said Ed Johnson. This defendant was not present at the jail on the night Ed Johnson was murdered; he knew nothing about the formation of any mob or organization of disorderly persons to murder said Johnson; he took no part in said murder, and then had and now has no sympathy for those who

did murder the said Johnson. The defendant respectfully informs the Court that he is a law-abiding citizen; that he is a man of family and that he, in connection with his brother, R. T. Cartwright, does a general merchandise business in a different part of the City of Chattanooga from the county jail and his business place is some three-fourths of a mile from the county bridge where Ed Johnson is said to have been murdered.

On the night of March 19th, 1906, the defendant then had pending in the City Council of the City of Chattanooga, an ordinance or resolution granting him the privilege of erecting in front of his stores on the corner of East Ninth and Peeples Streets in said City of Chattanooga, a balcony. The defendant went to the City Hall not later than 8 o'clock, and he believes as early as 7:30 o'clock, on said night of March 19th, 1906, for the purpose of securing the passage of said ordinance or resolution and remained there until as late as 9:15 o'clock and he believes as late as 9:35 o'clock. After securing the passage of said ordinance or resolution, the defendant went immediately to his home, except he went into the saloon of Joe Seagle who does business just across Peeples Street from this defendant and remained in said place only a few minutes until closing time of said saloon, which was 10 o'clock p. m.

The defendant then went up stairs over his store, where his family lived, and went to bed. He knew nothing of the organization of the mob, the storming of the jail or the murder of Ed Johnson until the following day, March 20th.

This defendant again protests his innocence of the charges made against him; he, in no way, participated in the lynching of Ed Johnson, either by word, act or sympathy; he is in no manner, by his conduct, responsible for the charges made against him.

This defendant has, at all times, stood for law and order in every community where he has lived; he revers the Honor and integrity of the courts of the land and has at all times manifested for them the highest respect, and has at no time manifested contempt for this Honorable Court.

And now having fully answered the information and rule to show cause, etc., in so far as he is affected, this defendant prays to be hence dismissed, and he will ever pray, etc.

A. J. CARTWRIGHT.

SHUMATE & MADDOX,
JOHN H. EARLY,
Attorneys for A. J. Cartwright.

STATE OF TENNESSEE,
COUNTY OF HAMILTON.

Now comes the defendant, A. J. Cartwright, and makes oath that the statements made in his foregoing answer are true in substance and in fact.

A. J. CARTWRIGHT.

Sworn to and subscribed before me,
10th day of October, 1906.
BOYD THOMPSON,
Notary Public.

FILE COPY.

No. 4 Orig.
O. T. 1907

Office Supreme Court U. S.
FILED
OCT 15 1906
JAMES H. McKENNEY,
Clerk.

[redacted]

In the Supreme Court of the United States.

[redacted]

THE UNITED STATES OF AMERICA,
Complainants,
vs.
JOHN F. SHIPP AND OTHERS,
Defendants.

No. 4 Orig.
O. T. 1907

Answer of R. T. Cartwright to the Information filed and rule issued against him and others in this cause.

SHUMATE & MADDOX,
JOHN H. EARLY,
Attorneys for Defendant.

In the Supreme Court of the United States.

THE UNITED STATES OF AMERICA,
Complainants,
vs.
JOHN F. SHIPP AND OTHERS,
Defendants.

No. 26. Original.

And now comes the defendant R. T. Cartwright who is informed against as R. F. Cartwright and for separate answer to the information filed against him and others on the 25th day of May, 1906, and also to the rule to show cause why he should not be held as and for contempt issued against him on the 28th day of May, 1906, says:

That he has at no time manifested contempt for this Honorable Court. He denies that he willfully combined, confederated or agreed with the other defendants herein to break and enter the county jail of Hamilton County, Tennessee, for the purpose of taking Ed Johnson therefrom with the intent of lynching and murdering the said Ed Johnson. It is true that the said Ed Johnson was a prisoner in the Hamilton County jail and that he was taken therefrom by certain disorderly persons who took him to the Tennessee River bridge and lynched him, as this defendant verily believes.

This defendant respectively assures the Court that he had

no hand in and took no part in the murdering of Ed Johnson. This defendant and his brother A. J. Cartwright, do business about three-fourths of a mile from the County jail and about one mile from the County bridge, where Johnson was murdered. The defendant says that he was not at the County jail or the County bridge the night Ed Johnson was lynched; he knew nothing of the matter whatever until the following morn ing, March 20th. He confederated with no one; he agreed with no one to take Johnson from the jail and kill him. This defendant does not know many people in Hamilton County, Tennessee, as he has lived here only three years, and during that time he has been so closely confined to his place of business that he has formed the acquaintance of but few people outside of his business relations. He has taken but little if any interest in the affairs of Chattanooga outside his own private business. He further shows the Court that he is of a very retiring disposition. He seldom mingles in crowds sor seeks the association of many people. His life is almost wholly given to his business and to his family. The defendant stands for law and order at all times and under all circumstances. He entertains the highest respect for American institutions; he believes in the honor and integrity of the courts of the country and possesses for them the highest esteem and he especially reveres this Honorable Court.

On the night of March 19, 1906, the defendant was at his place of business in the City of Chattanooga at 732-734 East Ninth Street. His brother, A. J. Cartwright, was at the City Council on that night seeking the passage of an ordinance permitting the erection of a balcony in front of their new stores then in course of construction. This put double duty on the defendant and he remained at the store till about 9:30 o'clock, p. m., when he went up stairs and soon thereafter retired for

the night, and knew nothing of the lynching of Johnson until the following day.

This defendant again reiterates his innocence of the charges preferred against him in the information. He took no part in said lynching; he did not counsel such act of lawlessness, and he has expressed no sympathy for those who did murder the said Ed Johnson.

And now having fully answered the information and the rule to show cause, etc., in so far as he is affected, this defendant prays to be hence dismissed, and he will ever pray, etc.

R. T. CARTWRIGHT.

SHUMATE & MADDOX,
JOHN H. EARLY,
Attorneys for R. T. Cartwright.

STATE OF TENNESSEE,
COUNTY OF HAMILTON.

Now comes the defendant R. T. Cartwright and makes oath that the statement made in his foregoing answer are true in substance and in fact.

R. T. CARTWRIGHT.

Sworn to and subscribed before me,
10th day of October, 1906.
BOYD THOMPSON,
Notary Public.

FILE COPY.

No. 4 Orig.
O. T. 1907

Office Supreme Court U. S.
FILED
OCT 15 1906
JAMES H. McKENNEY,
Clerk.

[redacted]

In the Supreme Court of the United States.

[redacted]

THE UNITED STATES OF AMERICA, complainant.
vs.
JOHN F. SHIPP AND OTHERS, defendants.

No. 4 Orig.
O. T. 1907

SEPARATE ANSWER OF WILLIAM MARQUETTE.

JOE V. WILLIAMS.
Attorney for Defendant.

In the Supreme Court of the United States.

OCTOBER TERM, 1906.

THE UNITED STATES OF AMERICA,
Complainants,
vs.
JOHN F. SHIPP AND OTHERS,
Defendants.

No 12. Original.

The Separate Answer of William Marquette to the Information filed against him, and others, in the above Cause.

The defendant, for answer to such parts and so much of said Information as he is advised it is necessary or material for him to answer, says:

I.

That on information and belief he admits that on, or about, the 11th day of February, 1906, one Ed Johnson, a citizen of the United States and a resident and citizen of the State of Tennessee, and a colored person of African descent, was convicted of the crime of rape in the Criminal Court of Hamilton County, and said Court thereupon sentenced the said Ed Johnson to suffer the penalty of death, as alleged in paragraph 1 of said Information.

II.

That on information and belief he admits that a petition for a writ of habeas corpus was duly presented to the United

States Circuit Court for the Northern Division of the Eastern District of Tennessee, but defendant does not know whether it was alleged in said petition that the said Ed Johnson had been denied a trial by a fair and impartial jury, and had been denied the aid of counsel in violation of the fifth and sixth amendments to the Federal Constitution, and that said petitioner was also denied rights secured to him under the fourteenth amendment to the Federal Constitution. This defendant newer saw said petition, and, while the same or parts thereof may have been published in the newspapers, he has no recollection as to the allegations the same contained.

On information and belief it is admitted that on or about the 10th day of March, 1906, the application of the said Ed Johnson for a writ of habeas corpus came on for hearing before the said United States Circuit Court for the Eastern District of Tennessee upon the petition, return, answer and replication, and upon the testimony of witnesses given orally in open court, and after argument of counsel, the said Circuit Court ordered that said petition be dismissed, and that the writ of habeas corpus prayed for in said petition be denied. The defendant was not present on said hearing, and only knows as to what occurred by newspaper reports. Defendant does not remember of having seen any publication to the effect that the said Circuit Court of the United States remanded the petitioner to the custody of the sheriff of Hamilton County, in the State of Tennessee, to be detained by the said sheriff in his custody for the period of ten days in which to enable said petitioner to prosecute an appeal from said order, should he be so advised and should an appeal lie from said order, and in default of the prosecution of an appeal within said time to be then further proceeded with by the Court of the State of Tennessee under its sentence. While defendant has no recollection on this subject, he is advised that such order was in substance so made by said Court.

On information and belief it is admitted that on, or about, the 17th day of March, 1906, an application was duly presented by the said Ed Johnson to the Hon. John M. Harlan, an

Associate Justice of the Supreme Court of the United States, assigned to the Sixth Circuit, asking that an appeal be allowed to the Supreme Court of the United States from the judgment rendered in the Circuit Court of the United States for the Northern Division of the Eastern District of Tennessee on March 10th, 1906, denying his, the said Ed Johnson's, application for a writ of habeas corpus, and which said appeal was on the same day duly allowed by the said Mr. Justice Harlan; that thereafter, to-wit: on the 19th day of March, 1906, a motion was made in the Supreme Court of the United States for an order allowing an appeal to the Supreme Court of the United States from the judgment of the Circuit Court of the United States for the Northern Division of the Eastern District of Tennessee rendered on the 10th day of March, 1906, denying his, the said Ed Johnson's, application for a writ of habeas corpus which motion was thereupon granted by the said Supreme Court. This admission is made solely upon the information received by the defendant after the lynching of the said Ed Johnson. That at the time of the lynching of the said Ed Johnson, defendant did not know that an appeal had been granted by Mr. Justice Harlan of the said Supreme Court, or by said Supreme Court, and this information did not come to him until he saw a publication to this effect in the Chattanooga Times the morning after the lynching of the said Ed Johnson. Defendant is now advised that publication was made to that effect in the Chattanooga Evening News on the evening before the lynching of said Ed Johnson, but for some reason, defendant did not see said paper on said evening and had no information on the subject referred to, until the following morning, as before stated. Defendant, at the time of the lynching of the said Ed Johnson, did not know what order the said Supreme Court of the United States had made and entered in reference to the petition of the said Ed Johnson. The defendant never had any information on this subject until a copy of the Information filed in his cause was served upon him.

III.

Defendant did not, at the time of the lynching of the said Ed Johnson, know what notice had been given by the Clerk of the Supreme Court of the United States to defendant John F. Shipp, the sheriff of Hamilton County, as to the making and entering of said order in relation to the petition of the said Ed Johnson. As before stated, defendant did not see the evening paper on the day of the lynching of the said Ed Johnson, and, consequently, did not see what said paper contained in reference thereto, and this defendant had no other information on the subject. Defendant did see the Chattanooga Times on the morning after the lynching of the said Ed Johnson, and whatever said paper may have contained on this subject he no doubt read, but he has no distinct recollection as to what said paper contained on this subject, and, in fact, the first definite information this defendant received on the subject of the appeal to the Supreme Court of the United States and the order made in relation thereto, and the notice given to the said John F. Shipp, was when a copy of the Information filed in this cause was served upon the defendant. Defendant is not a lawyer, and had taken no particular interest in said matter, and did not know, except in a most general way, what had been done in relation to the said Ed Johnson case.

IV.

On information and belief it is admitted that said John F. Shipp, at the time mentioned in said Information, was the duly elected, qualified and acting sheriff of Hamilton County, in the State of Tennessee, and as such sheriff had and exercised full charge and control of the county jail, in the City of Chattanooga, in said county, and was the legal custodian under the laws of the State of Tennessee of all persons duly committed in said county, under the laws of said State, to confinement and imprisonment within said jail. Defendant has no personal knowledge as to who were the deputy sheriffs of said county at said time, but on information and belief it is ad-

mitted that Matthew Galloway, C. A. Baker, Fred Frawley, and probably others, named in said Information, were deputy sheriffs at the time aforesaid. But defendant has no definite information on this subject, and his only knowledge on the subject is hearsay. Defendant does not know what information the said sheriff and his deputies, or any of them may have received before or after the hour of 6 o'clock on the evening of the 19th day of March, 1906, as to the action taken by the said Supreme Court of the United States, with respect to the appeal of the said Ed Johnson. Defendant never at any time had any talk with the said sheriff or any of his deputies on this subject, and has no information directly or indirectly in relation thereto. Defendant does not know by whose orders the said Ed Johnson was held and restrained of his liberty in the jail of said county at the time aforesaid, except his general information to the effect that the said Ed Johnson had previously been convicted of the crime of rape and was being held on such charge. Whether said Ed Johnson at said time was being held and confined by virtue of an order made by the Supreme Court of the United States, he does not know, and did not at the time know, this defendant having no information on the subject, except as hereinbefore set out.

Defendant does not know what information, if any, said sheriff and his deputies received to the effect that an attempt would be made on the evening of the said 19th day of March, or early in the morning of the following day, by a mob composed of a large number of armed men to force and enter into the said county jail for the purpose of taking therefrom by violence and unlawful means the said Ed Johnson and putting him to death. If said sheriff and his deputies, or any of them, had any such knowledge on the subject, it is wholly unknown to this defendant. As to what the said sheriff may have done with respect to withdrawing from said jail early in the evening of the day aforesaid the usual and customary guard, and leaving in charge thereof only the night jailer, to-wit, Deputy Sheriff Jeremiah Gibson, defendant is not advised, and did not at the time have, and has not now, any information on the

subject, except what is contained in the Information filed in this cause. Said defendant never had any conversation with said sheriff, or any of his deputies, in relation thereto, and he is wholly without personal information on the subject. If the said sheriff and his deputies, or any of them, entertained a purpose or disposition at said time to in any way assist a mob in carrying out its unlawful design and purpose to lynch the said Ed Johnson, this is wholly unknown to this defendant. At said time defendant did not know that any person or persons contemplated the mobbing or lynching of the said Ed Johnson, and the first information he had on the subject was at, or about, the time the lynching occurred, as will be hereafter more fully shown.

V.

It is most positively denied that this defendant wilfully, unlawfully and wrongfully combined, conspired, confederated and agreed with the said John F. Shipp and the other persons named in said Information, or any of them, or with any other person or persons, to break and enter the said county jail of Hamilton County, for the purpose of taking therefrom the person of the said Ed Johnson to lynch and murder him, with the intent then and there had and entertained by this defendant, or said other defendants, or any of them, to show their contempt and disregard for the order of this Honorable Court made, entered, issued and published in relation to the said Ed Johnson's appeal, and for the purpose of preventing this Honorable Court from hearing the appeal of the said Johnson allowed by said Court, and for the purpose of preventing the said Ed Johnson from exercising and enjoying a right secured to him by the Constitution and laws of the United States. Defendant denies that he combined, conspired, confederated or agreed together with said other defendants, or any of them, for the purpose aforesaid, or otherwise. Defendant at no time, either on the day or the night of said lynching, or at any other time, in any manner, shape or form, combined or confederated with said defendants, or either of them, to do and perform the

acts alleged in said Information or for the purposes therein alleged. This defendant had nothing whatever to do with the mobbing or lynching of the said Ed Johnson, did not know that his lynching was contemplated until at or about the time he was being taken from said jail by a mob for such purpose. Defendant was not at said jail at said time, and does not know who were present or participated in said mob.

On information and belief it is admitted that on the evening of the said 19th day of March, 1906, a large number of persons did assemble in the vicinity of said county jail and that said Ed Johnson was unlawfully and wrongfully taken therefrom with force and violence, against his will, and hanged by the neck until he was dead. As to what said sheriff or said deputies, or any of them, had to do with said lynching, if anything, this defendant is not advised, and this defendant is wholly without information as to what particular persons composed said mob; he only knowing that he was not a participant in said mob, and was not present at said time.

VI.

This defendant, further answering said Information, states and shows to this Honorable Court, in detail, the following facts:

That on the day and the night of the lynching of the said Ed Johnson he was in a delicate state of health, and was at said time and had been for more than a month previous thereto, suffering from asthma; that previous to said time Dr. Cooper Holtzclaw had been treating him, the said defendant, for said disease, and about the hour of 7:30 o'clock or 8 o'clock on said evening he went to the office of the said Dr. Holtzclaw, at 213 East Eighth Street, in the City of Chattanooga, for the purpose of procuring treatment for same; that on defendant's arrival at said office he found the said Dr. Holtzclaw absent, making a call, and he thereupon entered into conversation with Drs. M. L. Crum and E. C. Johnson, who were then in said office, and continued to so converse with them until the arrival

of the said Dr. Holtzclaw, at or about the hour of 9 o'clock. On the arrival of the said Dr. Holtzclaw he remarked to the defendant that he had had no supper and desired the said defendant to wait until he ate his supper. This was accordingly done, and after said Holtzclaw finished his meal he called the defendant into his, the said Dr. Holtzclaw's private office, where they conferred together some fifteen or twenty minutes. After such consultation with the said Dr. Holtzclaw, he advised the defendant to have two certain prescriptions refilled, and for this purpose the said defendant, at or about the hour of 9 o'clock, left the office of the said Dr. Holtzclaw and went to the drug store of Robert J. Miller, at 121 West Ninth Street, where he had said prescriptions refilled. That after procuring the said prescriptions, said defendant started to his home, and in passing the restaurant of one W. D. Bowers, at 30 West Ninth Street, defendant stopped and bought of the said W. D. Bowers 10 cents worth of granulated sugar for the purpose of using the same in making a hot lemonade for himself on his arrival home. On leaving said restaurant he again started towards his home, and remembering that he desired to purchase some witch hazel, he stopped at Miller's Pharmacy, at the corner of Eighth Street and Georgia Avenue, and ordered and procured the same of one H. M. Allen, a clerk in said pharmacy. While waiting for the delivery of said witch hazel to him, he, the defendant, ordered a glass of coco cola at the fountain of said pharmacy, and was in the act of drinking the same when one Mr. Charles Karsten, an employee of the Chattanooga Times, came in and also ordered a glass of coco cola, and immediately upon so doing, said Karsten began telling this defendant that a report had reached the Times office to the effect that a mob had broken into the county jail and had taken the said Ed Johnson to the county bridge to hang him. This was about 10 o'clock. About this time the said witch hazel was delivered to defendant, and he walked out of said pharmacy to the curb of the street with the said Karsten, where they engaged in conversation for about ten minutes. The said defendant then parted with the said Charles Karsten and went

to the boarding house of himself and wife at 715½ Walnut Street, said place being only about 150 feet from the said Miller Pharmacy. On arriving home the said defendant took a dose of the medicine that he had procured at the drug store aforesaid, and as a consequence thereof, in some ten or fifteen minutes thereafter, he became very sick at the stomach and went to the toilet to vomit, which toilet is on the third floor of the said boarding house, the room of the said defendant being on the second floor. The said defendant remained in said toilet some thirty minutes, when one Robert S. Mastin, a young man boarding at the same place, passed said toilet and knocked on a door nearby, at the same time calling to some gentleman, whose name defendant does not now remember, to get up, that he had something to tell him, and after said gentleman answered, said Robert S. Mastin told said gentleman that he, the said Robert Mastin, had heard that the said Ed Johnson had been hanged on the county bridge. The defendant, being still in said toilet, called to the said Robert S. Mastin and had some conversation with him in relation to said hanging. This was about the hour of 11 o'clock. Thereupon the defendant went to his room, where he spent a sleepness night on account of his said asthmatic trouble. That on the following morning, after reading an account of the lynching in the Chattanooga Times, and of the damage done to the jail by said mob, the defendant, at about the hour of 8 o'clock, went to said jail, which is only a short distance from his said boarding house, for the purpose of seeing the condition of the jail, and on his arrival there he had a curiosity to see the cell or place from where the said Ed Johnson had been taken the night previous, and at said time there were several other persons present in addition to the defendant, and permission was asked of Mr. F. A. Frawley, the deputy sheriff then in charge, to go to see the place from which the said Johnson had been taken, which permission was granted. Thereupon Mr. J. G. Richardson, another deputy sheriff, was requested to show the defendant and some five or six other persons through the damaged quarters and cell occupied by the said Ed Johnson on the night previous. The said

defendant, and said other persons, then went with the said J. G. Richardson to said place, and said cell was then entered by said defendant and said other persons, or some of them, and after so entering, some of the parties commenced to pick up different articles in side of said cell, or room, and as defendant was leaving said cell, or room, some one asked him if he had any of the articles, to which he replied that he did not. Thereupon some boy of about the age of fifteen or sixteen years, whose name was then and still is unknown to the defendant, handed to this defendant two letters addressed to the said Ed Johnson, which letters the said defendant put in his pocket. The defendant then left the said jail and went to his place of business, at 211 West Eighth Street, and after arriving at his said place of business, which is but a short distance from the undertaking establishment where the body of the said Ed Johnson was, he, the said defendant, went to said undertaking establishment and viewed the body of the said Ed Johnson; and this defendant says that this was the first and only time that he ever saw Ed Johnson while in life, or after his death. After viewing said body, the defendant returned to his place of business, and while standing in the front door thereof, Mr. H. D. Rider, a building contractor in the City of Chattanooga, came by and entered into a conversation with defendant in relation to the lynching of the said Ed Johnson; that in said conversation the defendant told the said Rider of the visit of this defendant to the jail, and showed the said Rider the letters said boy had given him while at said jail. The defendant then and there gave to the said Rider one of said letters, which he took away with him, and the other was kept and retained by said defendant for some time thereafter.

The defendant says that out of this circumstance, probably, grew the suspicion that he, the defendant, had something to do with said lynching. But defendant again denies that he had any connection whatever with said lynching, but says he was at other and different places during and at the time the said Ed Johnson was being lynched, and further says that he did not know positively that the said Ed Johnson had been

lynched until he saw an account thereof in the Chattanooga Times on the following morning.

This defendant did not before said lynching aid, counsel, or in anywise advise any person, or persons, to lynch the said Ed Johnson, and this defendant did not then, and has not since, in anywise approved the act of said mob in lynching the said Ed Johnson.

Defendant is advised that said mob first made an attack on said jail for the purpose of lynching the said Johnson at, or about, the hour of 9 o'clock on the said 19th day of March, 1906, and that at, or about, the hour of 10 o'clock on said night, they took the said Ed Johnson from said jail and hung him on the county bridge nearly.

The defendant files herewith, and as a part hereof, several affidavits showing the whereabouts of said defendant at and during the time of said lynching; said affidavits being marked Exhibits "A," "B," "C," "D," "E," "F," "G," "H," "I" and "J." The affidavit of Dr. Holtzclaw is not herewith presented, for the reason that he is now, and has been for some time past, absent from the city.

The defendant, further answering, shows to the Court that he does now, and has always heretofore, entertained the highest regard and admiration for this Honorable Court, and that he did not, with respect to the said Ed Johnson lynching, or otherwise, directly or indirectly, show his contempt or disregard for the order of this Honorable Court, made and entered with respect to said Ed Johnson matter, and that he has in no wise prevented this Honorable Court from hearing the appeal of the said Ed Johnson.

This defendant has always endeavored to be o law-abiding citizen and has at all times cheerfully acquiesced in the decisions, orders and mandates of the courts of the country, and especially of this high and Honorable Court.

And the defendant, having fully answered said Information, now prays that this Honorable Court may order and adjudge that sufficient cause has been shown why this defendant

should not be punished as and for a contempt of this Honorable Court, that said Information be dismissed as to him, and that he go hence acquit, and this defendant will ever pray, etc.

WILLIAM MARQUETTE.

JOE V. WILLIAMS,
Attorney for Defendant.

STATE OF TENNESSEE, }
HAMILTON COUNTY. } ss.

WILLIAM MARQUETTE, being first duly sworn, deposes and says that he is one of the defendants in the foregoing case, and that he has read and knows the contents of the foregoing answer, and that the same is true to his own knowledge, except as to those matters therein stated on information and belief, and as to those matters, he believes them to be true.

(SEAL.) WILLIAM MARQUETTE.

Subscribed and sworn to before me,
this, 8th day of October, 1906.

R. M. WATKINS,
Deputy Clerk U. S. Circuit Court.

Exhibits "A," "B," "C," "D," "E," "F," "G," "H," "I" and "J," to the Answer of William Marquette in the Case of the United States of America, complainant, vs. John F. Shipp and others, defendants, No. 12, Original, in the Supreme Court of the United States.

EXHIBIT "A."

STATE OF TENNESSEE, }
HAMILTON COUNTY. } ss.

M. L. Crum, being first duly sworn, deposes and says that he is a physician in the city of Chattanooga, Hamilton County, Tennessee, and that he is now and has been for some time past the house physician in charge at the Erlanger Hospital in said city. That on and prior to March 19th, 1906, he was in the habit and custom of going to the office of Dr. Cooper Holtzclaw at night for the purpose of study; and affiant remembers distinctly of being at the office of the said Dr. Cooper Holtzclaw on the night of March 19th, 1906, from about 7 P. M. to 10 P. M., and affiant remembers that Mr. William Marquette called at said office between the hours of 8 P. M., and 9 P. M. on said night for the purpose of procuring treatment from the said Dr. Holtzclaw. That at said time the said Dr. Holtzclaw was not present, but was making a call, and did not return to his office till about 9 o'clock. Affiant and said Marquette engaged in conversation until the said Dr. Holtzclaw came, at which time the said Marquette went into the private office of the said Dr. Holtzclaw for consultation. Affiant states that the said Marquette remained at said office until the hour of 9 or 9:30 P. M., when he left the same. Affiant distinctly recalls the date of the visit of the said Marquette to said office for the

reason that on that date this affiant presented to the said Dr. Holtzclaw a book and inscribed therein the name and date of said presentation.

(SEAL.) M. L. CRUM.

Sworn to and subscribed before me,
this October 6, 1906.

W. F. CHAMLEE,
Notary Public.

EXHIBIT "B."

STATE OF TENNESSEE, }
HAMILTON COUNTY. } ss.

E. C. Johnston, being first duly sworn, makes oath that he is a practicing physician in the city of Chattanooga and has been for some time past, and that he is now, and was, on the 19th day of March, 1906, located in the office of Dr. Cooper Holtzclaw in said city.

Affiant distinctly remembers that Mr. William Marquette came to the office of the said Dr. Holtzclaw somewhere between the hours of 8 and 9 o'clock on the evening of the 19th day of March, 1906, for the purpose of procuring treatment from the said Dr. Holtzclaw. At the time of the arrival of the said Marquette, he, the said Dr. Holtzclaw, was absent from the office, and did not come until late and the said Marquette waited until he arrived. This affiant left the office of the said Dr. Cooper Holtzclaw about 9 o'clock on said evening, at which time the said Marquette was still in conversation with the said Dr. Holtzclaw.

(SEAL.) E. C. JOHNSTON.

Subscribed and sworn to before me,
this October 6, 1906.

W. F. CHAMLEE,
Notary Public.

EXHIBIT "C."

STATE OF TENNESSEE, }
HAMILTON COUNTY. } ss.

L. B. Coleman, being first duly sworn, makes oath that on the night of March 19th, 1906, he was a prescription clerk in the drug store of Robert J. Miller in the city of Chattanooga, and that on said night he distinctly remembers the re-filling of two prescriptions for William Marquette, and that the said Marquette waited for the re-filling of the same. This affiant has no distinct recollection as to the particular hour the said Marquette was at said drug store, except that he knows that it was some time after dark and in the night time. This affiant and the said Marquette engaged in quite a lengthy conversation in relation to the relative value of the prescriptions he was getting re-filled, and perhaps talked on other subjects. The prescriptions referred to had previously been given to the said Marquette by Dr. Cooper Holtzclaw.

(SEAL.) L. B. COLEMAN.

Subscribed and sworn to before me,
this October 6, 1906.

W. F. CHAMLEE,
Notary Public.

EXHIBIT "D."

HAMILTON COUNTY. }
STATE OF TENNESSEE, } ss.

W. D. Bowers, being first duly sworn, makes oath that on the night of March 19th, 1906, he was engaged in running a restaurant in the city of Chattanooga, Hamilton County, Ten-

nessee. That on the said night, somewhere between the hours of 8:30 P. M. and 9:30 P. M. Mr. William Marquette came into the restaurant of this affiant and purchased some sugar from him and had said sugar charged to said Wlliam Marquette.

Affiant remembers that said Marquette was in his place of busness at said time, because the matter of the lynching of one Ed Johnson was discussed, and because the said Marquette had the sugar, procured at that time, charged to him under the date of March 19th, 1906.

(SEAL.) W. D. BOWERS.

Subscribed and sworn to before me,
this October 6, 1906.

W. F. CHAMLEE,
Notary Public.

EXHIBIT "E."

STATE OF TENNESSEE, }
HAMILTON COUNTY. } ss.

H. M. Allen, being first duly sworn, deposes and says that on the night of March 19th, 1906, he was a clerk in the Miller Pharmacy in the city of Chattanooga, and that on said night William Marquette came into said Pharmacy and procured from him, this affiant, some package or article, the name of which he does not remember. This affiant remembers that the said William Marquette and another gentleman, whose name he understands was Mr. Charles Karston, were sitting at the fountain drinking and at the same time discussing the mob. This affiant asked them what the result was, and either the said Marquette or the said Karston remarked that they understood the mob had gone to the county bridge with said Ed Johnson

to hang him. Some time previous to this conversation, affiant had heard that a mob was at the jail breaking doors down for the purpose of hanging the said Ed Johnson. This conversation of affiant, with said Marquette and Karston occurred about the hour of 10 o'clock on said nght, as near as this affiant can remember.

(SEAL.) H. M. ALLEN.

Subscribed and sworn to before me,
this October 6, 1906.

W. F. CHAMLEE,
Notary Public.

EXHIBIT "F."

STATE OF TENNESSEE, }
HAMILTON COUNTY. } ss.

Charles Karston, being first duly sworn, deposes and says that on the night of March 19th, 1906, and the night of the lynching of Ed Johnson, he was, and for some time prior thereto had been in the employ of the Chattanooga Times in the city of Chattanooga, as machinist. That at about the hour of 10 o'clock on said 19th day of March, 1906, he was advised that a telephone message had been received at the office of the said Chattanooga Times to the effect that a mob had congregated at the county jail in said city for the purpose of mobbing one Ed Johnson. That shortly after said message was received, or said to have been received, this affiant left the office of the said Chattanooga Times and walked across the street to Miller's Pharmacy at the corner of Eighth Street and Georgia Avenue and went to the fountain and called for a glass of Coca-Cola. That at the time this affiant entered said Pharmacy, William Marquette was sitting there near the fountain on a stool and

this affiant remarked to the said Marquette that "a mob has gone up after the nigger," and this affiant and the said Marquette sat there and talked the matter over and drank the Coca-Cola ordered, and after doing this, affiant and the said Marquette walked out on the sidewalk where they stood on the curbing and talked for quite a little while. When their conversation ended, affiant left to return to his work in the office of the said Chattanooga Times, and the said Marquette walked on up the street and this was the last affiant saw of the said Marquette that night. This affiant is well acquainted with the said Marquette, and cannot be mistaken as to the fact of seeing him at the time and place above mentioned, and of having the conversation referred to. When this affiant and the said Marquette parted on said street, it was about the hour of 10 P. M.

(SEAL.) CHARLES KARSTON.

Subscribed and sworn to before me,
this October 6, 1906.

W. F. CHAMLEE,
Notary Public.

EXHIBIT "G."

STATE OF TENNESSEE, }
HAMILTON COUNTY. } ss.

Robert S. Mastin, being first duly sworn, deposes and says that on the night of March 19th, 1906, he was boarding at the same place where William Marquette and his wife boarded. Affiant had been to the opera house on that night, and returned to his boarding house at about 11 o'clock, and while on his way so returning, he was told by some one that one Ed Johnson had been hung, and on the arrival of affiant to his said boarding house he went to the room of Mr. Frank Povolisky. On returning to his room William Marquette called or spoke to

affiant from the toilet on said third floor, and asked him if they (meaning the mob) had gotten said Ed Johnson from the jail. Affiant told him, the said Marquette, that they had gotten said Ed Johnson and gone to the county bridge to hang him.

(SEAL.) ROBERT S. MASTIN.

Subscribed and sworn to before me,
this October 6, 1906.

W. F. CHAMLEE,
Notary Public.

EXHIBIT "H."

STATE OF TENNESSEE, }
HAMILTON COUNTY. } ss.

F. A. Frawley, being first duly sworn, deposes and says that on the morning following the night of the lynching of one Ed Johnson, in the city of Chattanooga, Hamilton County, Tennessee, he was at the jail of said county. Affiant says that on said morning William Marquette visited said jail, and requested permission to visit the cell previously occupied by the said Ed Johnson. Affiant, thereupon, requested Mr. J. G. Richardson, who was also a deputy sheriff, and then acting as day jailer, to conduct said Marquette to said cell, which he did, along with several other persons who came in about that time. The said Marquette spent some time, probably an hour, about the jail and then left.

(SEAL.) F. A. FRAWLEY.

Subscribed and sworn to before me,
this October 6, 1906.

W. F. CHAMLEE,
Notary Public.

EXHIBIT "I."

STATE OF TENNESSEE, }
HAMILTON COUNTY. } ss.

J. G. Richardson, being first duly sworn, deposes and says that he was acting as day jailer at the County Jail of Hamilton County, Tennessee, on the morning after the lynching of one Ed Johnson, and that on said morning William Marquette and several other persons came to said jail and wanted to go up stairs and see the cell that the said Ed Johnson had occupied and he was requested by one F. A. Frawley, a deputy sheriff, to take them up and turn them into the cell, which affiant did. After the said William Marquette and other persons had been turned into said cell, affiant saw some one hand to the said William Marquette some letters that he had found in said cell and the said William Marquette took the same. Said letters were addressed to the said Ed Johnson. There was one boy and two or three men with said Marquette and the cage was full, or almost full, when affiant turned them in. This occurred on the morning after the said lynching, and was at or about the hour of 9 o'clock.

(SEAL.) J. G. RICHARDSON.

Subscribed and sworn to before me,
this October 6, 1906.

W. F. CHAMLEE,
Notary Public.

EXHIBIT "J."

STATE OF TENNESSEE, }
HAMILTON COUNTY. } ss.

H. D. Rider, being first duly sworn, deposes and says that he is a building contractor in the city of Chattanooga, being a

member of the firm of Cox & Rider, and that on the morning after the lynching of the one Ed Johnson in the city of Chattanooga, Hamilton County, Tennessee, he happened to pass by the place of business of William Marquette, and entered into a conversation with the said Marquette in relation to the mobbing of the said Ed Johnson, and the said William Marquette then produced two letters addressed to the said Ed Johnson which the said Marquette stated he had procured, or had handed to him, at the county jail that morning, and, thereupon, one of said letters was handed to this affiant, which he received and took away with him, and the other letter was retained by the said William Marquette.

(SEAL.) H. D. RIDER.

Subscribed and sworn to before me,
this October 6, 1906.

W. F. CHAMBLEE,
Notary Public.